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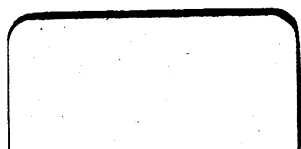
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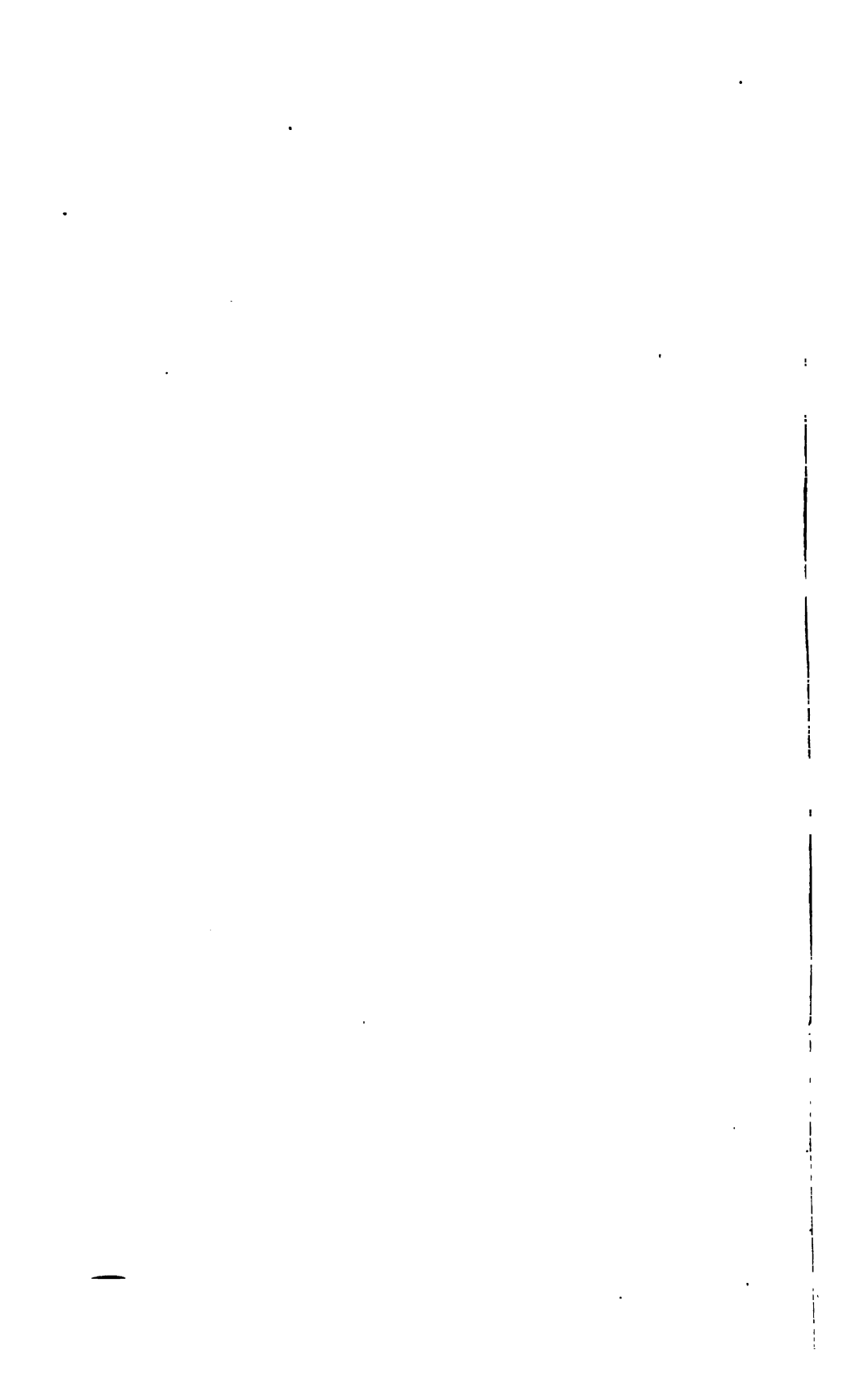
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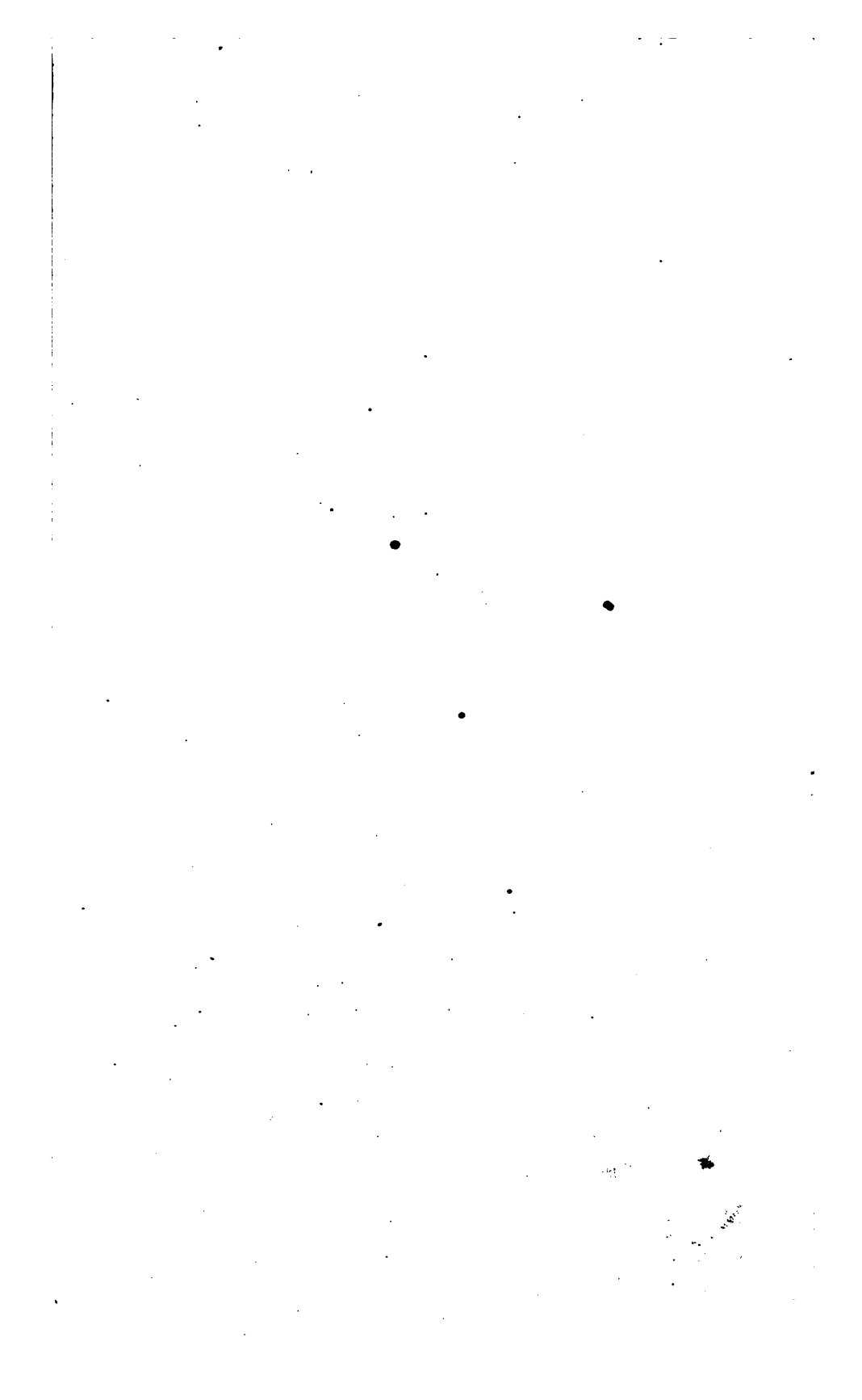
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CONSTITUTION

OF THE

STATE OF NORTH-CAROLINA,

TOGETHER WITH THE

ORDINANCES AND RESOLUTIONS

OF THE

CONSTITUTIONAL CONVENTION,

Assembled in the City of Raleigh, Jan. 14th, 1868.

RALEIGH:

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1868.

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VIA AIR

CONSTITUTION OF NORTH-CAROLINA.

CHAPTER I.

PREAMBLE.

We the people of the State of North-Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him, for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution.

Preamble.

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government, may be recognized and established, and that the relations of this State to the Union and government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare :

SECTION 1. That we hold it to be self-evident that all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

The equality
and rights of
men.

Political power and government.

SEC. 2. That all political power is vested in, and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Internal government of the State.

SEC. 3. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

That there is no right to secede.

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are part of the American nation; that there is no right on the part of this State to secede, and that all attempts from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State.

Of allegiance to the U. S. government.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof, can have any binding force.

Public Debt.

SEC. 6. To maintain the honor and good faith of the State untarnished, the public debt, regularly contracted before and since the rebellion, shall be regarded as inviolable and never be questioned; but the State shall never assume or pay, or authorize the collection of, any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

Exclusive emoluments, &c

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The Legislative, Executive and Judicial powers distinct.

SEC. 8. The Legislative, Executive, and Supreme judicial powers of the government ought to be forever separate and distinct from each other.

Of the power of suspending laws.

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the repre

sentatives of the people, is injurious to their rights, and ought not to be exercised.

SEC. 10. All elections ought to be free.

Elections free.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defence, unless found guilty.

In criminal prosecutions.

SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment, or impeachment.

Answers to criminal charges

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal.

Right of Jury.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Excessive bail

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

General warrants.

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud.

Imprisonment for debt.

SEC. 17. No person ought to be taken, imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land.

No person to be taken, &c., but by law of the land.

SEC. 18. Every person restrained of his liberty, is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Persons restrained of liberty.

SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best secur-

Controversies at law respecting property.

ities of the rights of the people, and ought to remain sacred and inviolable.

Freedom of
the Press.

SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Habeas Cor-
pus.

SEC. 21. The privilege of the writ of *habeas corpus* shall not be suspended.

Property qual-
ification.

SEC. 22. As political rights and privileges are not dependent upon, or modified by property, therefore no property qualification ought to affect the right to vote or hold office.

Representa-
tion and taxa-
tion.

SEC. 23. The people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.

Militia, and
the right to bear
arms.

SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power.

Right of the
people to assem-
ble together.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances.

Religious lib-
erty.

SEC. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Education.

SEC. 27. The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Elections
should be fre-
quent.

SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Recurrence to
fundamental
principles.

SEC. 29. A frequent recurrence to fundamental principles, is absolutely necessary to preserve the blessings of liberty.

SEC. 30. No hereditary emoluments, privileges, or honors, ought to be granted or conferred in this State. Hereditary emoluments, &c

SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed. Perpetuities, &c.

SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore no *ex post facto* law ought to be made. No law taxing retrospectively, sales, purchases, or other acts previously done, ought to be passed. Expost factal laws.

SEC. 33. Slavery and involuntary servitude, otherwise than for crime whereof the parties shall have been duly convicted, shall be, and are hereby forever prohibited within this State. Slavery prohibited.

SEC. 34. The limits and boundaries of the State shall be and remain as they now are. State boundaries.

SEC. 35. All courts shall be open, and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Courts shall be open, &c.

SEC. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law. Soldiers in time of peace.

SEC. 37. This enumeration of rights shall not be construed to impair or deny others, retained by the people; and all powers, not herein delegated, remain with the people. Other rights of the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative authority shall be vested in two distinct branches, both dependent on the people, to wit: a Senate and House of Representatives. Two branches.

SEC. 2. The Senate and House of Representatives shall meet annually on the third Monday in November, and when assembled, shall be denominated the General Assembly. Time of assembling.

Neither House shall proceed upon public business, unless a majority of all the members are actually present.

Number of
Senators.

SEC. 3. The Senate shall be composed of fifty Senators biennially chosen by ballot.

Senatorial dis-
tricts.

SEC. 4. Until the first session of the General Assembly which shall be had after the year eighteen hundred and seventy-one, the Senate shall be composed of members elected from districts constituted as follows :

1st District—Perquimans, Chowan, Pasquotank, Currituck, Gates and Camden, shall elect two Senators.

2d District—Martin, Washington and Tyrrell, shall elect one Senator.

3d District—Beaufort and Hyde, shall elect one Senator.

4th District—Northampton, shall elect one Senator.

5th District—Bertie and Hertford, shall elect one Senator.

6th District—Halifax, shall elect one Senator.

7th District—Edgecombe shall elect one Senator.

8th District—Pitt, shall elect one Senator.

9th District—Nash and Wilson, shall elect one Senator.

10th District—Craven and Carteret, shall elect two Senators.

11th District—Jones and Lenoir, shall elect one Senator.

12th District—Duplin and Onslow, shall elect one Senator.

13th District—Brunswick and New Hanover, shall elect two Senators.

14th District—Bladen and Columbus, shall elect one Senator.

15th District—Robeson, shall elect one Senator.

16th District—Cumberland, Harnett and Sampson, shall elect two Senators.

17th District—Johnston, shall elect one Senator.

18th District—Greene and Wayne, shall elect one Senator.

19th District—Franklin and Wake, shall elect two Senators.

20th District—Warren, shall elect one Senator.

21st District—Granville and Person, shall elect two Senators.

22d District—Orange, shall elect one Senator.

23d District—Chatham, shall elect one Senator.

24th District—Caswell, shall elect one Senator.

25th District—Rockingham, shall elect one Senator.

26th District—Alamance and Guilford, shall elect two Senators.

27th District—Randolph and Montgomery, shall elect one Senator.

28th District—Moore and Richmond, shall elect one Senator.

29th District—Anson and Union, shall elect one Senator.

30th District—Mecklenburg, shall elect one Senator.

31st District—Cabarrus and Stanly, shall elect one Senator.

32d District—Davie and Rowan, shall elect one Senator.

33d District—Davidson, shall elect one Senator.

34th District—Forsythe and Stokes, shall elect one Senator.

35th District—Surry and Yadkin, shall elect one Senator.

36th District—Alexander and Iredell, shall elect one Senator.

37th District—Catawba, Gaston and Lincoln, shall elect one Senator.

38th District—Cleveland, Polk and Rutherford, shall elect one Senator.

39th District—Alleghany, Ashe and Wilkes, shall elect one Senator.

40th District—Buncombe, Henderson and Transylvania, shall elect one Senator.

41st District—Burke, Caldwell and Watauga, shall elect one Senator.

42d District—Madison, Mitchel, McDowell and Yancey, shall elect one Senator.

43d District—Clay, Cherokee, Haywood, Jackson and Macon, shall elect one Senator.

SEC. 5. An enumeration of the inhabitants of the State shall be taken under the direction of the General Assembly in the year one thousand eight hundred and seventy-five, and at the end of every ten years thereafter ; and the said

Senatorial districts.

Regulations in relation to districting the State for Senators.

Senate districts shall be so altered by the General Assembly, at the first session after the return of every enumeration taken as aforesaid, or by order of Congress, that each Senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, unless such county shall be equitably entitled to two or more Senators.

Regulations in
relation to ap-
portionment of
Representatives

SEC. 6. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts for the Senate are hereinbefore directed to be laid off.

Ratio of Rep-
resentation.

SEC. 7. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed, shall not be included. To each county containing the said ratio and not twice the said ratio, there shall be assigned one representative; to each county containing twice but not three times the said ratio, there shall be assigned two representatives, and so on progressively, and then the remaining representatives shall be assigned severally to the counties having the largest fractions.

Apportionment
of Representa-
tives.

SEC. 8. Until the General Assembly shall have made the apportionment as hereinbefore provided, the House of Rep-

representatives shall be composed of members elected from the counties in the following manner, to-wit :

The county of Wake shall elect four members ; the counties of Craven, Granville, Halifax and New Hanover shall elect three members each ; the counties of Caswell, Chatham, Cumberland, Davidson, Duplin, Edgecombe, Franklin, Guilford, Iredell, Johnston, Mecklenburg, Northampton, Orange, Pitt, Randolph, Robeson, Rockingham, Rowan, Warren, and Wayne shall elect two members each ; the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Currituck, Davie, Forsyth, Gaston, Gates, Greene, Harnett, Henderson, Haywood, Hertford, Hyde, Jackson, Jones, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mitchell, Montgomery, Moore, Nash, Onslow, Pasquotank, Perquimans, Person, Polk, Richmond, Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Tyrrell, Union, Washington, Watauga, Wilkes, Wilson, Yadkin and Yancey shall elect one member each.

SEC. 9 Each member of the Senate shall be not less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he is chosen, one year immediately preceding his election.

Qualifications
for Senators.

SEC. 10. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen, for one year immediately preceding his election.

Qualifications
for Representatives.

SEC. 11. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.

Election of
officers.

SEC. 12. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Powers in relation to
divorce and alimony.

SEC. 13. The General Assembly shall not have power to pass any private law to alter the name of any person,

Private laws
in relation to
names of persons,
&c.

or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Thirty days notice shall be given anterior to passage of private laws.

SEC. 14. The General Assembly shall not pass any private law, unless it shall be made to appear, that thirty days notice of application to pass such law shall have been given, under such direction, and in such manner as shall be provided by law.

Vacancies.

SEC. 15. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

SEC. 16. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the Journal.

Entails.

SEC. 17. The General Assembly shall regulate entails in such manner as to prevent perpetuities.

Journals.

SEC. 18. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Protest.

SEC. 19. Any member of either House may dissent from, and protest against, any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the Journal.

Officers of the House.

SEC. 20. The House of Representatives shall choose their own Speaker and other officers.

President of the Senate.

SEC. 21. The Lieutenant-Governor shall preside in the Senate, but shall have no vote, unless it may be equally divided.

SEC. 22. The Senate shall choose its other officers and Other Senatorial officers. also a Speaker (*pro tempore*) in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor.

SEC. 23. The style of the acts shall be, "The General Style of the acts. Assembly of North-Carolina do enact."

SEC. 24. Each House shall be judge of the qualifications Powers of the General Assembly. and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws, and the two Houses may also jointly adjourn to any future day, or other place.

SEC. 25. All bills and resolutions of a legislative nature, Bills and resolutions to be read three times, &c. shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses.

SEC. 26. Each member of the General Assembly, before Oath for members. taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North-Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

SEC. 27. The terms of office for Senators and members of Terms of office. the House of Representatives shall commence at the time of their election; and the term of office of those elected at the first election held under this Constitution shall terminate at the same time as if they had been elected, at the first ensuing regular election.

SEC. 28. Upon motion made and seconded in either House, Yeas and nays. by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

SEC. 29. The election for members of the General Assembly Election for members of the General Assembly. shall be held for the respective districts, and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. The first election shall be

held when the vote shall be taken on the ratification of this Constitution by the voters of the State, and the General Assembly then elected, shall meet on the fifteenth day after the approval thereof by the Congress of the United States, if it fall not on Sunday, but if it shall so fall, then on the next day thereafter; and the members then elected shall hold their seats until their successors are elected at a regular election.

ARTICLE III.

EXECUTIVE DEPARTMENT.

Officers of the
Executive De-
partment.

Term of office.

Qualifications
of Governor and
Lieutenant-Gov-
ernor.

SECTION 1. The Executive Department shall consist of a Governor, (in whom shall be vested the Supreme executive power of the State) a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Works, a Superintendent of Public Instruction, and an Attorney General, who shall be elected for a term of four years, by the qualified electors of the State, at the same time and places, and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next, after their election, and continue until their successors are elected and qualified: *Provided*, That the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January, 1869.

SEC. 2. No person shall be eligible as Governor or Lieutenant-Governor, unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years un-

less the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of Government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively, shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint-ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint vote of both Houses of the General Assembly, in such manner as shall be prescribed by law.

Returns of elections.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation, that he will support the Constitution and laws of the United States and of the State of North-Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been elected.

Oath of office for Governor.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Duties of the Governor.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences, (except in cases of impeachment,) upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall annually communicate to the General Assembly each case of reprieve, commutation, or pardon granted; stating the name of each convict, the crime for which he was convicted, the sentence and its date, the

Reprieves, commutations and pardons.

date of commutation, pardon, or reprieve, and the reasons therefor.

Annual reports
from officers of
Executive De-
partment and of
Public Institu-
tions.

SEC. 7. The officers of the Executive Department and of the Public Institutions of the State, shall at least five days previous to each regular session of the General Assembly severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander-
in-chief.

SEC. 8. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

Extra Sessions
of General As-
sembly.

SEC. 9. The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Officers whose
appointments
are not other-
wise provided
for.

SEC. 10. The Governor shall nominate, and, by and with the advice and consent of a majority of the Senators elect, appoint, all officers whose offices are established by this Constitution, or which shall be created by law, and whose appointments are not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly.

Duties of the
Lieutenant-Gov-
ernor.

SEC. 11. The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

In case of im-
peachment of
Governor, or va-
cancy caused by
death or resigna-
tion.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or in case the office of Governor shall in anywise become vacant, the

powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disabilities shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities be removed or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for a President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Works, Superintendent of Public Instruction, and Attorney General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this Article.

SEC. 14. The Secretary of State, Auditor, Treasurer, Superintendent of Public Works, and Superintendent of Public Instruction, shall constitute *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum: their advice and proceedings in this capacity shall be entered in a Journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such Journal shall be placed

before the General Assembly when called for by either House. The Attorney General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation
of Executive of-
ficers.

SEC. 15. The officers mentioned in this Article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "the Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North-Carolina, sealed with "the Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

Bureau of Sta-
tistics, Agricul-
ture, and Immi-
gration.

SEC. 17. There shall be established in the office of Secretary of State, a Bureau of Statistics, Agriculture and Immigration, under such regulations as the General Assembly may provide.

ARTICLE IV.

JUDICIAL DEPARTMENT.

Abolishes the
distinction be-
tween actions at
law and suits in
equity.

SECTION 1. The distinction between actions at law and suits in equity, and the forms of all such actions and suits shall be abolished, and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offence, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of Court before a jury.

Feigned issues
abolished.

Apportionment
and duties of
three Commis-
sioners.

SEC. 2. Three Commissioners shall be appointed by this Convention to report to the General Assembly at its first

session after this Constitution shall be adopted by the people, rules of practice and procedure in accordance with the provisions of the foregoing section, and the Convention shall provide for the commissioners a reasonable compensation.

SEC. 3. The same Commissioners shall also report to the General Assembly as soon as practicable, a code of the law of North-Carolina. The Governor shall have power to fill all vacancies occurring in this Commission.

Code of law.

SEC. 4. The Judicial power of the State shall be veested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and Special Courts.

Division of
Judicial powers.

SEC. 5. The Court for the trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Trial court of
impeachment.

SEC. 6. The House of Representatives solely, shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached the Chief Justice shall preside.

Impeachment.

SEC. 7. Treason against the State shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Treason a-
gainst the State.

SEC. 8. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Five Supreme
Court Justices.

SEC. 9. There shall be two terms of the Supreme Court held at the seat of Government of the State in each year, commencing on the first Monday in January, and first Monday in June, and continuing as long as the public interests may require.

Terms of Su-
preme Court.

SEC. 10. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below,

Jurisdiction of
Supreme Court.

upon any matter of law or legal inference; but no issue of fact shall be tried before this court: and the court shall have power to issue any remedial writs necessary to give it a general supervision and control of the inferior courts.

Claims against
the State.

SEC. 11. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory: no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Twelve Judi-
cial Districts for
Superior Courts.

SEC. 12. The State shall be divided into twelve judicial districts, for each of which a Judge shall be chosen, who shall hold a Superior Court in each county in said District, at least twice in each year, to continue for two weeks, unless the business shall be sooner disposed of.

Apportionment
of said districts.

SEC. 13. Until altered by law, the following shall be the Judicial Districts:

FIRST DISTRICT.

Currituck,	Camden,	Pasquotank,
Perquimans,	Chowan,	Gates,
Hertford,	Bertie.	

SECOND DISTRICT.

Tyrrell,	Hyde,	Washington,
Beaufort,	Martin,	Pitt,
Edgecombe.		

THIRD DISTRICT.

Craven,	Carteret,	Jones,
Greene,	Onslow,	Lenoir,
Wayne,	Wilson.	

FOURTH DISTRICT.

Brunswick,	New Hanover,	Duplin,
Columbus,	Bladen,	Sampson,
Robeson.		

FIFTH DISTRICT.

Cumberland,
Richmond,
Stanly,

Harnett,
Anson,
Union.

Moore,
Montgomery,

Judicial dis-
tricts.

SIXTH DISTRICT.

Northampton,
Wake,
Johnston,

Warren,
Nash,
Granville.

Halifax,
Franklin,

SEVENTH DISTRICT.

Person,
Randolph,
Caswell,

Orange,
Guilford,
Rockingham.

Chatham,
Alamance,

EIGHTH DISTRICT.

Stokes,
Rowan,
Surry.

Forsyth,
Davie,

Davidson,
Yadkin,

NINTH DISTRICT.

Catawba,
Lincoln,
Rutherford,

Cabarrus,
Gaston,
Polk.

Mecklenburg,
Cleveland,

TENTH DISTRICT.

Iredell,
Alexander,

Wilkes,
Caldwell,

Burke,
McDowell.

ELEVENTH DISTRICT.

Alleghany,
Mitchell,
Buncombe.

Ashe,
Yancey,

Watauga,
Madison,

TWELFTH DISTRICT.

Henderson,	Transylvania,	Haywood,
Macon,	Jackson,	Clay,
Cherokee.		

Residences of
Judges, and spe-
cial terms of
courts.

SEC. 14. Every Judge of a Superior Court shall reside in his District while holding his office. The Judges may exchange districts with each other with the consent of the Governor, and the Governor, for good reasons, which he shall report to the Legislature at its current or next session, may require any Judge to hold one or more specified terms of said Courts in lieu of the Judge in whose district they are.

Original juris-
diction of the
Superior Courts.

SEC. 15. The Superior Courts shall have exclusive original jurisdiction of all civil actions, whereof exclusive original jurisdiction is not given to some other Courts; and of all criminal actions in which the punishment may exceed a fine of fifty dollars or imprisonment for one month.

Appellate ju-
risdiction.

SEC. 16. The Superior Courts shall have appellate jurisdiction of all issues of law or fact, determined by a Probate Judge or a Justice of the Peace, where the matter in controversy exceeds twenty-five dollars, and of matters of law in all cases.

Jurisdiction of
Superior Court
Clerks.

SEC. 17. The Clerks of the Superior Courts shall have jurisdiction of the probate of deeds, the granting of letters testamentary and of administration, the appointment of guardians, the apprenticing of orphans, to audit the accounts of executors, administrators and guardians, and of such other matters as shall be prescribed by law. All issues of fact joined before them shall be transferred to the Superior Courts for trial, and appeals shall lie to the Superior Courts from their judgments in all matters of law.

Right of ap-
peal.

In case of
waiver of trial
by jury.

SEC. 18. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by jury, in which case the finding of the Judge upon the facts, shall have the force and effect of a verdict of a jury.

SEC. 19. The General Assembly shall provide for the establishment of Special Courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

Special courts
in cities.

SEC. 20. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Clerk of Su-
preme Court.

SEC. 21. A Clerk of the Superior Court for each county, shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Election of Su-
perior Court
Clerk.

SEC. 22. Clerks of the Superior Courts shall hold their offices for four years.

Term of office.

SEC. 23. The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article; but the salaries of the Judges shall not be diminished during their continuance in office.

Fees, salaries
and emoluments

SEC. 24. The laws of North-Carolina, not repugnant to this Constitution, or to the Constitution and laws of the United States, shall be in force until lawfully altered.

What laws are
and shall be in
force.

SEC. 25. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the Courts having jurisdiction thereof, without prejudice by reason of the change, and all such actions and suits, commenced before, and pending at, the adoption by the General Assembly, of the rules of practice and procedure herein provided for, shall be heard and determined, according to the practice now in use, unless otherwise provided for by said rules.

Disposition of
actions at law
and suits in equi-
ty pending when
this Constitution
shall go into
effect, &c.

SEC. 26. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts shall be elected in like manner, and shall hold their offices for eight years; but the Judges of the Superior Courts elected at the first election under this Constitution, shall, after their election, under the superintendence of the Justices of the Supreme Court, be divided by

Election, terms
of office, &c., of
Supreme and Su-
perior Court
Judges.

lot into two equal classes, one of which shall hold office for four years, the other for eight years.

Provision in
relation to elec-
tion of Superior
Court Judges.

SEC. 27. The General Assembly may provide by law that the Judges of the Superior Courts, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Transaction of
business in the
Superior Courts.

SEC. 28. The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Solicitors for
each Judicial
District.

SEC. 29. A Solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Sheriffs and
Coroners.

SEC. 30. In each county a Sheriff and Coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a Constable, elected in like manner by the voters thereof, who shall hold his office for two years. When there is no Coroner in the county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause, in any of the offices created by this section, the Commissioners for the county may appoint to such office for the unexpired term.

Vacancies.

SEC. 31. All vacancies occurring in the offices provided for by this article of this Constitution, shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election.

Terms of office
of first officers
under this Ar-
ticle.

SEC. 32. The officers elected at the first election held under this Constitution, shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

SEC. 33. The several Justices of the Peace shall have exclusive original jurisdiction under such regulations as the General Assembly shall prescribe, of all civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties, where the punishment cannot exceed a fine of fifty dollars, or imprisonment for one month. When an issue of fact shall be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same, and, if the judgment shall exceed twenty-five dollars, there may be a new trial of the whole matter in the appellate court; but if the judgment shall be for twenty-five dollars or less, then the case shall be heard in the appellate court, only upon matters of law. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

Jurisdiction of
Justices of the
Peace.

SEC. 34. When the office of Justice of the Peace shall become vacant, otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the Clerk of the Superior Court for the County shall appoint to fill the vacancy for the unexpired term.

Vacancies in
office of Justices

SEC. 35. In case the office of Clerk of a Superior Court for a County shall become vacant, otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the County shall appoint to fill the vacancy until an election can be regularly held.

Vacancies in
office of Superior
Court Clerk.

ARTICLE V.

REVENUE AND TAXATION.

Capitation tax.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which shall be equal on each, to the tax on property valued at three hundred dollars in cash. The Commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined, shall never exceed two dollars on the head.

Exemptions.

Application of
proceeds of State
and County cap-
itation tax.

SEC. 2. The proceeds of the State and County capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent. thereof be appropriated to the latter purpose.

Taxation shall
be by uniform
rule and ad va-
lorem.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided that no income shall be taxed when the property from which the income is derived, is taxed.

Payment of in-
terest on public
debt.

SEC. 4. The General Assembly shall, by appropriate legislation and by adequate taxation, provide for the prompt and regular payment of the interest on the public debt, and after the year 1880, it shall lay a specific annual tax upon the real and personal property of the State, and the sum thus realized shall be set apart as a sinking fund, to be devoted to the payment of the public debt.

Restriction up-
on the increase
of the public
debt, except in
certain contin-
gencies.

SEC. 5. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in id

of any person, association or corporation, except to aid in the completion of such Rail Roads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

SEC. 6. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries, and property held for educational, scientific, literary, charitable, or religious purposes; also, wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, to a value not exceeding three hundred dollars.

Property exemptions from taxation.

SEC. 7. The taxes levied by the commissioners of the several counties, for county purposes, shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

Taxes levied by County Commissioners.

SEC. 8. Every act of the General Assembly, levying a tax, shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Acts levying taxes shall state object, &c.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in this State twelve months next preceding the election, and thirty days in the county in which he offers to vote, shall be deemed an elector.

Qualification of an elector.

SEC. 2. It shall be the duty of the General Assembly to provide from time to time, for the registration of all electors, and no person shall be allowed to vote without regis-

Registration of electors.

tration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith.

Elections by
people and Gen.
Assembly.

SEC. 3. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

Oath of office.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, —, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me God."

Disqualifica-
tions for office.

SEC. 5. The following classes of persons shall be disqualified for office: First, All persons who shall deny the being of Almighty God. Second, All persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or mal-practice in office, unless such person shall have been legally restored to the rights of citizenship.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

County officers.

SECTION 1. In each county, there shall be elected, biennially, by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A Treasurer, Register of Deeds, Surveyor and Five Commissioners.

Duty of Coun-
ty Commission-
ers.

SEC. 2. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes and finances of the county, as may be prescribed by

aw. The Register of Deeds shall be, *ex officio*, Clerk of the Board of Commissioners.

SEC. 3. It shall be the duty of the Commissioners first elected in each county, to divide the same into convenient districts, to determine the boundaries and prescribe the names of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

Counties to be divided into districts.

SEC. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

Said districts shall have corporate powers as townships.

SEC. 5. In each township there shall be biennially elected, by the qualified voters thereof, a Clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the Township as may be prescribed by law. The General Assembly may provide for the election of a larger number of Justices of the Peace in cities and towns and in those Townships in which cities and towns are situated. In every Township there shall also be biennially elected a School Committee consisting of three persons, whose duty shall be prescribed law.

Officers of townships.

SEC. 6. The township Board of Trustees, shall assess the taxable property of their townships and make return to the County Commissioners, for revision, as may be prescribed by law. The Clerk shall also be *ex officio* Treasurer of the Township.

Trustees shall assess property.

SEC. 7. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied, or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of a majority of the qualified voters therein.

No debt or loan except by a majority of voters.

SEC. 8. No money shall be drawn from any County or Township Treasury, except by authority of law.

Drawing of money.

SEC. 9. All taxes levied by any county, city, town, or township, shall be uniform and *ad valorem*, upon all pro-

Taxes to be ad valorem.

perty in the same, except property exempted by this Constitution.

When officers enter on duty.

SEC. 10. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Governor to appoint Justices

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections 4, 5, and 6 of this Article shall have been carried into effect.

Charters to remain in force until legally changed.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Debts in and of the rebellion not to be paid.

SEC. 13. No County, City, Town or other municipal corporation, shall assume or pay, nor shall any tax be levied, or collected, for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

Corporations under general laws.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporations cannot be attained under general laws. All general laws and special acts passed, pursuant to this section, may be altered from time to time or repealed.

Debts of corporations, how secured.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means, as may be prescribed by law.

What corporations shall include.

SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint-stock

companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued in all courts, in like cases as natural persons.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessments, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporation.

Legislature to provide for organizing cities, towns, &c.

ARTICLE IX.

EDUCATION.

SECTION 1. Religion, morality, and knowledge being necessary to good government and happiness of mankind, schools and the means of education shall forever be encouraged.

Education shall be encouraged.

SEC. 2. The General Assembly at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of Public Schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years.

General Assembly shall provide for schools.

SEC. 3. Each County of the State shall be divided into a convenient number of Districts, in which one or more Public Schools shall be maintained, at least four months in every year; and if the Commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

Counties to be divided into districts.

SEC. 4. The proceeds of all lands that have been, or hereafter may be granted by the United States to this State and not otherwise specially appropriated by the United States or heretofore by this State; also, all moneys, stocks, bonds, and other property now belonging to any fund for

What property shall be devoted to educational purposes.

purposes of education; also, the net proceeds that may accrue to the State from sales of estrays, or from fines, penalties and forfeitures; also, the proceeds of all sales of the swamp lands belonging to the State; also, all money that shall be paid as an equivalent for exemption from military duty; also, all grants, gifts or devises that may hereafter be made to this State, and not otherwise appropriated by the grant, gift or devise, shall be securely invested, and sacredly preserved as an irreducible educational fund, the annual income of which, together with so much of the ordinary revenue of the State as may be necessary, shall be faithfully appropriated for establishing and perfecting in this State a system of Free Public Schools, and for no other purposes or uses whatsoever.

University and
Public Schools
not to be separated.

SEC. 5. The University of North-Carolina, with its lands, emoluments and franchises, is under the control of the State, and shall be held to an inseparable connection with the Free Public School system of the State.

Benefits of the
University.

SEC. 6. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Board of Education.

SEC. 7. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Works, Superintendent of Public Instruction and Attorney General, shall constitute a State Board of Education.

President and
Secretary.

SEC. 8. The Governor shall be President, and the Superintendent of Public Instruction shall be Secretary of the Board of Education.

Power of
Board.

SEC. 9. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North-Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to Free Public Schools, and the Educational Fund of the State; but all acts, rules and regulations of said Board

may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed, they shall not be re-enacted by the Board.

SEC. 10. The first session of the Board of Education shall be held at the Capital of the State, within fifteen days after the organization of the State government under this Constitution; the time of future meeting may be determined by the Board. First session of Board.

SEC. 11. A majority of the Board shall constitute a quorum for the transaction of business. Quorum

SEC. 12. The contingent expenses of the Board shall be provided for by the General Assembly. Expenses

SEC. 13. The Board of Education shall elect Trustees for the University, as follows: one Trustee for each County in the State, whose term of office shall be eight years. The first meeting of the Board shall be held within ten (10) days after their election, and at this and every subsequent meeting, ten Trustees shall constitute a quorum. The Trustees, at their first meeting, shall be divided, as equally as may be, into four classes. The seats of the first class shall be vacated at the expiration of two years; of the second class, at the expiration of four years; of the third class, at the expiration of six years; of the fourth class, at the expiration of eight years; so that one-fourth may be chosen every second year. Trustees for the University.

SEC. 14. The Board of Education and the President of the University, shall be *ex officio* members of the Board of Trustees of the University; and shall, with three other Trustees, to be appointed by the Board of Trustees, constitute the Executive Committee of the Trustees of the University of North-Carolina, and shall be clothed with the powers delegated to the Executive Committee under the existing organization of the Institution. The Governor shall be *ex officio* President of the Board of Trustees and Chairman of the Executive Committee of the University. The Board of Education shall provide for the more perfect organization of the Board of Trustees. Board of Trustees.

SEC. 15. All the privileges, rights, franchises and endowments heretofore granted to, or conferred upon, the Board Privileges and rights vested in new Board.

of Trustees of the University of North-Carolina by the charter of 1789, or by any subsequent legislation, are hereby vested in the Board of Trustees, authorized by this Constitution, for the perpetual benefit of the University.

Agricultural
department.

SEC. 16. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain in connection with the University, a Department of Agriculture, of Mechanics, of Mining, and of Normal Instruction.

Children must
attend school.

SEC. 17. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability, shall attend the Public Schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

Exemption.

SECTION 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be, and is hereby exempted from sale under execution, or other final process of any court, issued for the collection of any debt.

Homestead.

SEC. 2. Every Homestead, and the dwelling and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempted from sale under execution, or other final process, obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

Homestead ex-
empted from
debt.

SEC. 3. The Homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any one of them.

SEC. 4. The provisions of section one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises. Laborer's lien.

SEC. 5. If the owner of a Homestead die, leaving a widow, but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a Homestead in her own right. Benefit of widow.

SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised or bequeathed, and, with the written assent of her husband, conveyed, by her as if she were unmarried. Property of a married female secured to her.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or the guardian, if under age, for her, or their own use, free from all the claims of the representatives of the husband, or any of his creditors. Husband may insure his life for benefit of wife and children.

SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a Homestead from disposing of the same by deed; but no deed made by the owner of a Homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law. How deed for homestead may be made.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

- Punishments.** SECTION 1. The following punishments only, shall be known to the laws of this State, viz: death, imprisonment, with or without hard labor, fines, removal from office and disqualification to hold and enjoy any office of honor, trust, or profit, under this State.
- Death punishment.** SEC. 2. The object of punishments, being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.
- Penitentiary.** SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a States' Prison or Penitentiary at some central and accessible point within the State.
- Houses of correction.** SEC. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.
- Houses of refuge.** SEC. 5. A House or Houses of Refuge may be established, whenever the public interest may require it, for the correction and instruction of other classes of offenders.
- The sexes to be separated.** SEC. 6. It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.
- Provision for the poor and orphans.** SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and a Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be intrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, and their suggestions for their improvement.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more Orphan Houses, where destitute orphans may be cared for, educated and taught some business or trade. Orphan houses.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates. Inebriates and idiots.

SEC. 10. The General Assembly shall provide that all the deaf mutes, the blind, and the insane of the State, shall be cared for at the charge of the State. Deaf mutes and insane.

SEC. 11. It shall be steadily kept in view by the Legislature, and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation. Self-supporting.

ARTICLE XII.

MILITIA.

SECTION 1. All able bodied male citizens of the State of North-Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the Militia: *Provided*, That all persons who may be adverse to bearing arms, from religious scruples, shall be exempt therefrom. Who are liable to militia duty.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the Militia, and for paying the same when called into active service. Organizing, &c.

SEC. 3. The Governor shall be Commander-in-Chief, and have power to call out the Militia to execute the law, suppress riots or insurrection, and to repel invasion. Governor Commander-in-Chief

SEC. 4. The General Assembly shall have power to make exemptions as may be deemed necessary, and to enact such that may be expedient for the government of the Militia. Exemptions.

ARTICLE XIII.

AMENDMENTS.

Convention,
how called.

SECTION 1. No Convention of the people shall be called by the General Assembly unless by the concurrence of two-thirds of all the members of each House of the General Assembly.

How the Con-
stitution may be
altered.

SEC. 2. No part of the Constitution of this State shall be altered, unless a bill to alter the same shall have been read three times in each House of the General Assembly and agreed to by three-fifths of the whole number of members of each House, respectively; nor shall any alteration take place until the bill, so agreed to, shall have been published six months previous to a new election of members to the General Assembly. If, after such publication, the alteration proposed by the preceding General Assembly shall be agreed to, in the first session thereafter, by two-thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times on three several days in each House, then the said General Assembly shall prescribe a mode by which the amendment or amendments may be submitted to the qualified voters of the House of Representatives throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters voting thereon have approved thereof, then, and not otherwise, the same shall become a part of the Constitution.

ARTICLE XIV.

MISCELLANEOUS.

Indictments

SECTION 1. All indictments which shall have been four or may hereafter be found, for any crime or offence committed before this Constitution takes effect, may be p

ceeded upon in the proper Courts, but no punishment shall be inflicted, which is forbidden by this Constitution.

SEC. 2. No person who shall hereafter fight a duel, or ^{Penalty for fighting duel.} assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

SEC. 3. No money shall be drawn from the Treasury but ^{Drawing money.} in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 4. The General Assembly shall provide, by proper ^{Mechanic's lien.} legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SEC. 5. In the absence of any contrary provision, all officers in this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified, according to the provisions of this Constitution.

SEC. 6. The seat of government in this State shall remain ^{Seat of government.} at the City of Raleigh.

SEC. 7. No person shall hold more than one lucrative office, ^{Holding office.} under the State, at the same time: *Provided*, That officers in the Militia, Justices of the Peace, Commissioners of Public Charities and Commissioners appointed for special purposes, shall not be considered officers within the meaning of this section.

Done in Convention at Raleigh, the sixteenth day of March, in the year of our Lord, one thousand eight hundred and sixty-eight, and of the Independence of the United States the ninety-second.

(SIGNED,)

CALVIN J. COWLES,

President of the Constitutional Convention.

T. A. BYRNES, *Secretary.*

HENRY M. RAY,

JERE. SMITH,

HENRY E. CHILSON,

Signers names.

GEORGE TUCKER,
WILLIAM STILLY, Beaufort County,
WILL: B. RODMAN, Beaufort County,
PARKER D. ROBBINS,
WILLIAM A. MANN, of Cumberland,
BRYANT LEE,
ABIAL W. FISHER,
FRED. F. FRENCH,
JOHN S. PARKS,
T. J. CANDLER, Buneombe County,
W. T. BLUME,
CALVIN C. JONES,
ABRAHAM CONGLETON,
W. T. GUNTER,
GEORGE W. DICKEY,
JOHN R. FRENCH,
DAVID HEATON,
W. H. S. SWEET,
CLINTON D. PEARSON,
ISAAC KINNEY,
S. S. MULICAN,
WILSON CAREY,
MILTON HOBBS,
SAMUEL HIGHSMITH,
J. W. PETERSON,
E. B. TEAGUE,
H. C. CHERRY,
J. T. HARRIS,
M. J. AYDLOTT,
T. D. HOFFLER, of Gates,
JOHN M. PATRICK,
JOHN H. WILLIAMSON, of Franklin,
G. WILLIAM WELKER,
A. W. TOURGEE,
W. T. J. HAYES,
HENRY EPPS,
JAMES MADISON TURNER,
W. G. B. GARRETT,

Signers names.

J. H. DUCKWORTH,
ANDREW J. GLOVER,
W. H. GEORGE,
JAMES HAY, Johnston County,
NATHAN GULLY, Johnston County,
DAVID D. COLGROVE,
GEO. W. GAHAGAN,
SAMUEL WASHINGTON WATTS,
W. A. B. MURPHY,
SILAS N. STILWELL, Mecklenburg,
EDWARD FULLINGS, Mecklenburg,
GEO. A. GRAHAM, of Montgomery,
LUCIEN M. S. McDONALD,
JACOB ING,
JOSEPH C. ABBOTT, New Hanover,
SAMUEL S. ASHLEY,
A. H. GALLOWAY,
ROSWELL C. PARKER, Northampton Co.
HENRY T. GRANT,
CHARLES C. POOL, Pasquotank County,
WILLIAM NICHOLSON, Perquimans Co.
D. J. RICH, Pitt County,
BYRON LAFLIN, Pitt County,
JESSE RHODES,
REUBEN F. TROGDEN, Randolph County,
TALTON L. L. COX,
R. T. LONG,
O. S. HAYES, Robeson County,
J. L. NANCE, Robeson County,
JOHN H. FRENCH,
ALLEN ROSE, Rowan County,
WILLIAM H. LOGAN, Rutherford County,
SYLVESTER CARTER, Sampson County,
LORENZO D. HALL, Sampson County,
LEVI C. MORTON, Stanly,
RILEY F. PETREE, of Stokes,
SAM'L FORKNER, Surry County,
JOHN M. MARSHALL, Surry County,

Signers names.

E. W. JONES, Washington and Tyrrel,
WILLIAM NEWSOM, Union County,
J. P. ANDREWS, Wake County,
STOKES D. FRANKLIN, Wake County,
J. H. HARRIS, Wake County,
JOHN A. HYMAN, Warren County,
JOHN READ, Warren County,
WILLIE DANIEL, Wilson County,
JESSE HOLLOWELL, Wayne County,
H. L. GRANT,
JOHN QUINCY ADAMS BRYAN, Wilkes Co.
E. BENBOW, Yadkin,
E. LEGG, of Brunswick,
B. S. D. WILLIAMS, of Wake,
J. W. HOOD, of Cumberland,
JOHN H. RENFROW, Halifax County,
MATCHET TAYLOR, Camden,
CUFFEE MAYO.

ORDINANCES.

CHAPTER II.

AN ORDINANCE IN RELATION TO THE PER DIEM AND MILEAGE
OF MEMBERS AND OFFICERS OF THE CONSTITUTIONAL CON-
VENTION OF NORTH-CAROLINA.

SECTION 1. *Be it ordained by the people of North-Carolina* ^{Per diem and mileage.}
in Convention Assembled, That the Treasurer of the State
of North-Carolina, upon the warrant of the President of
this Convention, is hereby authorized and directed to pay
the per diem and mileage of members and officers of this
Convention.

Ratified the 24th day of January, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER III.

AN ORDINANCE REDUCING THE AMOUNT OF BONDS AUTHORIZED
TO BE ISSUED BY THE WILMINGTON, CHARLOTTE & RUTHER-
FORD RAIL ROAD COMPANY.

WHEREAS, By an act of the General Assembly of the ^{Preamble.}
State of North-Carolina, ratified the 20th day of December,
1866, the Wilmington, Charlotte & Rutherford Rail Road
Company was authorized to place upon its road way property
and franchise, a first mortgage to secure an issue of bonds,
not to exceed in amount four million of dollars, which mort-
gage has been duly executed and recorded according to the
provisions of said act; and whereas, the State holds a second
mortgage upon said road for two millions of dollars, to pro-

fect which interest it is manifestly essential that the bonds to be issued under said first mortgage should be reduced in amount and their value enhanced by the endorsement of the State, so that the Company may be enabled to complete its road: therefore,

Bonds for one million to be endorsed.

Proviso.

Further proviso.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by authority of the same,* That the President of this Convention, or the Governor, or the Public Treasurer of the State, or either of them, be, and they are hereby authorized and directed, in behalf of the State, to endorse the bonds authorized as aforesaid to the amount of one million dollars, which endorsement shall be in words and figures following, to-wit: "The principal and interest of this bond is guaranteed by the State of North-Carolina by ordinance of the Convention, ratified the 5th day of February, 1868"; *Provided,* That the amount of the bonds issued by authority of the said act of the General Assembly shall not exceed in the aggregate two million five hundred thousand dollars; and the remainder of the authorized to be issued, to-wit: one million five hundred thousand dollars, shall be delivered to the President of this Convention, or to the Governor, or to the State Treasurer, and by him or them cancelled and destroyed, or that said one million five hundred thousand dollars of bonds shall be cancelled and destroyed by the Trustees of said first mortgage, and a certificate shall be printed upon each of the remaining bonds, certifying that two million five hundred thousand dollars of bonds are all that are issued, or authorized to be issued, under the deed of trust or mortgage delivered to them, and that the additional one million five hundred thousand dollars of bonds have been cancelled and destroyed, and that the said certificate shall be signed by each of the trustees; *Provided further,* That five hundred thousand dollars of the remaining two millions five hundred thousand dollars of bonds be deposited with the Treasurer of the State, as collateral security of the State, for the above named endorsement, and if said Wilmington, Charlotte & Rutherford Rail Road ' n-

pany shall fail to pay either interest or principal of said endorsed bonds, so that the State shall become liable for the same by reason of said endorsement, and shall pay the same, then the State shall become the owner of said five hundred thousand dollars of bonds; but if the said Rail Road Company shall pay both interest and principal of said endorsed bonds, so that the State shall not become liable for the same by reason of its endorsement, then the said five hundred thousand dollars of bonds shall be the property of said Rail Road Company.

SEC. 2. *Be it further ordained*, That this ordinance shall take effect from and after its ratification.

Ratified this 5th day of February, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER IV.

AN ORDINANCE RESPECTING THE JURISDICTION OF THE COURTS OF THE STATE.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That no Court of Law or Equity of this State shall have jurisdiction of any suit or action founded on any contract made prior to the first day of May, 1865, (except actions against public officers, executors, administrators, guardians, trustees, and others acting in a fiduciary capacity, and the sureties for breach of their respective duties, by the appropriation to their own use of money or property officially received by them, or other fraudulent act,) or of any action or process to revive or enforce any judgment heretofore recovered on any such contract, whether such action be now pending or shall be commenced hereafter, and whether such process has then already issued or shall be hereafter sued for; and the Sheriffs, Coroner and Constables of this State, having in their hands any final process issued upon any judgment founded on such

No jurisdiction
on certain con-
tracts.

cause of action, are hereby commanded to stay all proceedings upon the same, and return the same to the proper courts.

Ordinance,
when in force.

SEC. 2. *Be it further ordained*, That this ordinance shall be in force from and after its ratification by this Convention, and shall continue in force until the first day of July 1868, or until the Constitution, which this Convention has met to adopt, shall go into effect, whichever shall first happen.

Ratified this 5th day of February, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

Resolved, That a copy of the foregoing ordinance be sent to Brevet Major-General Canby, Commanding Second Military District, and that he be respectfully requested to cause the same to be enforced.

CHAPTER V.

AN ORDINANCE LEVYING A TAX FOR DEFRAYING THE EXPENSES OF THIS CONVENTION.

Tax of one-
twentieth levied

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That, for the purpose of raising monies to pay the expenses of this Convention, according to the acts of Congress in such case made and provided, a tax of one-twentieth of one per cent. shall be levied on the land in North-Carolina according to its valuation in the year 1860, subject to such changes therein as have been since made by law, and on the personal property within said State, according to the valuation thereof to be made in the year 1868.

SEC. 2. *Be it further ordained*, That this tax shall be collected, paid and accounted for at the Treasury of the State at the time when and in the same manner as other State taxes are by law required to be.

Penalty.

SEC. 3. *Be it further ordained*, That the collecting officers

shall be subject to the same penalties for failure to collect, pay and account for the taxes hereby levied as they now are for such failure in respect to other taxes.

SEC. 4. *Be it further ordained*, That the said collecting officer shall receive the like compensation for the collection of the tax hereby levied as for the collection of other taxes.

Compensation.

SEC. 5. *Be it further ordained*, That this ordinance shall be in force from and after its passage.

Ratified this 6th day of February, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER VI.

AN ORDINANCE IN FAVOR OF WILLIAM D. JUSTUS, SHERIFF OF HENDERSON COUNTY, N. C.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That William D. Justus, Sheriff of Henderson County, be allowed two years from the first day of January, 1868, to collect arrears of taxes due for the year 1866.

Ratified this 6th day of February, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER VII.

AN ORDINANCE AMENDING SECTION SECOND OF THE ACT OF THE LEGISLATURE OF 1866-'67, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF COLUMBIA, IN THE COUNTY OF TYRREL."

SECTION 1. *Be it ordained by the people of North-Carolina in Convention Assembled*, That section second of the act of the Legislature, passed 1866-'67, entitled "An Act to incorporate the town of Columbia, in the County of Tyrrel," be

Amendment.

so amended as to read: "That said town of Columbia shall be embraced within the following boundaries in the County of Tyrrell, to-wit: Beginning at the Ferry Wharf on the east side of Scuppernong river, thence running up the said river south fifty poles, thence east one hundred and twenty-five poles, north one hundred poles, thence west one hundred and twenty-five poles to the river, then by the river's edge to the beginning."

Ratified this 10th day of February, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER VIII.

AN ORDINANCE IN FAVOR OF THE SHERIFFS OF NORTH-CAROLINA.

Sheriffs allowed to Jan., 1868, to collect taxes.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by authority of the same,* That the Sheriffs of this State shall be allowed one year from and after the first day of January, 1868, to collect the unpaid taxes for the years 1866-'67.

SEC. 2. *Be it further ordained,* That this ordinance shall be in force from and after its passage, and that a copy of the same be printed and transmitted to each Sheriff in the State.

Ratified this 12th day of February, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER IX.

AN ORDINANCE PROHIBITING THE DISTILLATION OF GRAIN.

Preamble.

WHEREAS, In consequence of the rapid reduction of the small crops of corn in this State, the prices of food have already greatly advanced, and money being unusually scarce great destitution already exists and starvation must inevitably

bly follow speedily: therefore, in order that all the grain still on hand may be reserved for bread, and famine at least in a degree averted,

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That after the passage of this act until the 1st day of November, 1868, it shall not be lawful for any person or persons to still corn, or any other grain, into intoxicating liquors. Not to distill until Nov. 1868.

SEC. 2. *Be it further ordained*, That any person or persons who shall be guilty of a violation of this ordinance, on being convicted before a competent court, shall pay a fine of fifty dollars for the first offence, one hundred dollars for the second offence, and for the third offence his distillery shall be closed by the Sheriff. In this ordinance, each day in which the distillery is in operation shall be counted a separate offence. Penalty.

SEC. 3. *Be it further ordained*, That all fines recovered under this ordinance (after the lawful costs are deducted) shall be paid into the Treasury of the County in which the conviction takes place for the benefit of the poor supported by said County. Fines to go to the poor.

Ratified this 15th day of February, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER X.

AN ORDINANCE FOR THE APPOINTMENT OF A COLLECTOR OF TAXES FOR THE CITY OF NEWBERN.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same*, That the Mayor and Council of the City of Newbern shall have power to appoint a Collector of Taxes for said city. Power to appoint.

SEC. 2. *Be it further ordained*, That it shall be the duty of said collector of taxes to collect taxes which may be Duty of Collector.

levied agreeable to law by the Mayor and Council, and in the execution of such duty such collector of taxes shall have and exercise all the power given by law to Sheriffs in the collection of State or County taxes.

Bond.

SEC. 3. *Be it further ordained*, That the collector of taxes for the City of Newbern shall, before entering upon the duties of his office, enter into a bond with securities, approved by the Mayor of said City, in the sum of five thousand dollars, payable to the Mayor and Council of the City of Newbern, with conditions for the due collection, payment and settlement of the taxes imposed by the Mayor and Council of said City, and shall be entitled to a compensation, to be fixed by the Mayor and Council, not to exceed five per cent. on the amount collected.

Compensation.

SEC. 4. *Be it further ordained*, That it shall be the duty of such collector of taxes to pay over to the Treasurer of the City of Newbern, weekly, all taxes collected by him.

SEC. 5. *Be it further ordained*, That all laws and clauses of laws, or ordinances or clauses of ordinances conflicting with this ordinance are hereby repealed.

SEC. 6. *Be it further ordained*, That this ordinance shall take effect from the date of its ratification.

Ratified this 15th day of February, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XI.

AN ORDINANCE TO DIVIDE NORTH-CAROLINA IN SEVEN CONGRESSIONAL DISTRICTS.

Districts.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same*, That, for the purpose of electing Representatives in the Congress of the United States, the State shall be divided into seven districts as follows, to-wit: the first district shall be composed of the Counties of Currituck,

Camden, Pasquotank, Perquimans, Chowan, Hertford, Gates, Northampton, Halifax, Martin, Bertie, Washington, Tyrrell, Hyde and Beaufort; the second district of the Counties of Pitt, Craven, Jones, Lenoir, Wayne, Greene, Edgecombe, Wilson, Onslow, Carteret and Duplin; the third district of the Counties of Brunswick, Columbus, Bladen, New Hanover, Cumberland, Sampson, Robeson, Richmond, Harnett, Moore, Montgomery and Anson; the fourth district of the Counties of Wake, Warren, Franklin, Granville, Orange, Nash, Johnston and Chatham; the fifth district of the Counties of Alamance, Randolph, Guilford, Rockingham, Davidson, Forsyth, Stokes, Surry, Person, Stanly and Caswell; the sixth district of the Counties of Rowan, Cabarrus, Union, Mecklenburg, Gaston, Lincoln, Catawba, Iredell, Davie, Yadkin, Wilkes and Alexander; the seventh district of the Counties of Ashe, Alleghany, Watauga, Yancey, Mitchell, McDowell, Burke, Caldwell, Rutherford, Cleaveland, Polk, Henderson, Transylvania, Buncombe, Madison, Haywood, Jackson, Macon, Cherokee and Clay, each of which districts shall be entitled to elect one representative in the Congress of the United States.

Districts

SEC. 2. *Be it further ordained*, That the first election for Representatives in Congress shall be held and conducted in every respect in conformity with the orders of the Commandant of the Second Military District, and all future elections for members of Congress shall be held as the Legislature may authorize.

Election.

SEC. 3. *Be it further ordained*, That the first election under the provisions of the Constitution shall be held at the time when this Constitution shall be submitted to the people for their ratification, and the members of Congress then elected shall hold their offices during the Congress then current, and until their successors are duly elected.

Election.

Ratified this 20th day of February, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XII.

Bott:

AN ACT FOR FIXING THE STATE TAXES ON THEATRICAL COMPANIES, &C.

Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the people of the same, That the State tax to be collected on theatrical companies shall be five dollars per night on exhibition, or fifty dollars for a season of three months, and on concerts three dollars per night, or thirty dollars for a season of three months.

Be it further ordained, That all laws and clauses coming in conflict with the provisions of this ordinance are repealed, and that this ordinance shall go into effect from and after its passage, subject to amendment or repeal by the Legislature.

Ratified this 28th day of February, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XIII.

AN ORDINANCE IN REFERENCE TO SHERIFFS, CORONERS, &C.

is not to
be used in
this case.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, That no Sheriff, or other officer in the State of North-Carolina, who, in performance of official duty, has obeyed and observed the provisions of an act of the General Assembly of the State of North-Carolina, entitled "An act to protect property sold under execution from sacrifice," ratified the 26th day of February, A. D. 1867, shall be liable to amercement or any other proceedings for failure to sell any property whatsoever to satisfy any execution or other process issued from a justice of the peace, or from any of the several courts of said State; and any judgment nisi, heretofore granted by any such amerce-*

ments, and which may still be pending in any of said courts; and any action commenced, or which may hereafter be commenced, in any of said courts for failure to satisfy executons or other process as aforesaid, shall be dismissed upon notice duly made.

Ratified this 2d day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XIV.

AN ORDINANCE PROTECTING PROPERTY PURCHASED BY PERSONS HELD AS SLAVES.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That whenever it shall judicially appear that any person while held as a slave purchased and paid for any property, personal or real, and that conveyance thereof was made to him, or to any one for his use, such purchaser, or those lawfully representing him, shall be entitled to such property, anything in the former laws of this State forbidding slaves to acquire or hold property to the contrary notwithstanding.

Persons formerly slaves entitled to property purchased.

Ratified this 6th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XV.

AN ORDINANCE DISSOLVING THE BONDS OF MATRIMONY OF ROSA B. QUINLIVIN AND JOHN R. QUINLIVIN.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That Rosa B. Quinlvin, formerly Rosa B. Chatterton, now the wife of John R. Quinlvin, be and she hereby is divorced from the bonds of matrimony

with her said husband, and this ordinance shall be in force from and after its ratification.

Ratified this 6th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XVI.

AN ORDINANCE IN RELATION TO THE DRAINING OF MATTAMUSKEET LAKE.

Preamble.

WHEREAS, The agricultural interests of Hyde County are greatly imperiled by the overflow of the waters of Lake Mattamuskeet; and whereas, the value of the lands in that County belonging to the Common School Fund of the State are greatly impaired thereby: therefore, for the purpose of draining said lake,

Commissioners appointed.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That David M. Carter, Jones Spencer, George W. Swindell, Riley Murray, Joseph Mann and William L. Carter are hereby appointed Commissioners and invested with full power to locate one or more canals leading from Mattamusket Lake for the purpose of draining said lake, to contract for the execution of such canals, or to have the same contracted under their own superintendence. Said Commissioners are authorized to condemn the lands through which said canals may pass to the exclusive use of such canals, not to exceed one hundred feet wide and extending from one terminus of such canals to the other. Said Commissioners shall fix the price to be paid the owners of said land, who may appeal to the Superior Court of Hyde County if dissatisfied with the price fixed by said Commissioners upon said lands, and may have the value of the lands condemned for the use of said canals ascertained by jury; but the Commissioners, and in case of such appeal, the jury also shall estimate the benefit accruing to the other lands of said owners in fixing the compensation for so much as is ap-

propriated to the canals. The title to the lands thus condemned, and to the canals and other appertenances, shall vest in said Commissioners and their successors. A majority of said Commissioners shall constitute a quorum for the transaction of any business whatever within the scope of their duties, and a majority of the quorum shall determine all questions which may arise.

Quorum.

SEC. 2. *Be it further ordained*, That an annual tax is hereby levied upon all the lands in the County of Hyde of one *per centum* of the value of said lands, as assessed for taxation in the year 1860, for the period of five years, unless the said canals are sooner completed and paid for; and also a further tax is hereby levied upon all other taxable subjects, is to be paid annually for the period of five years, of the same amount which the State of North-Carolina may levy for State purposes on the same subjects of taxation during that period, and the money thus raised by taxation of canals and other subjects, or so much as will be necessary, shall be faithfully expended by said Commissioners in the construction of one or more canals, for the purpose of draining the waters of Lake Mattamuskeet so as to prevent the overflow thereof.

Tax levied.

SEC. 3. *Be it further ordained*, That it shall be the duty of the proper officer who makes out the tax list for the County of Hyde also to make out and deliver to the Sheriff of that County a tax list by which the taxes herein levied may be collected annually at the same time with the other taxes, and under like penalties for any failure or neglect of duty, and it shall be the duty of the Sheriff of the County to collect and pay over to the Treasurer of the Board of Commissioners the taxes herein levied at the same time when the taxes for the State are payable to the Public Treasurer, under the same penalties for any failure or neglect of duty as are imposed in case of his failure to pay over the taxes levied for State purposes, and the sureties of his official bonds are to be held liable for the same.

Duty of the Sheriff.

SEC. 4. *Be it further ordained*, That said Commissioners shall appoint one of their number President of the Board,

Officers of the Board.

and shall also elect a Treasurer, who shall give bonds with two or more sufficient sureties in the sum of ten thousand dollars to keep safely and pay out properly under the requisition of the President, the moneys received by him from the Sheriff of Hyde County or from any other source which are appropriated to be expended by said Commissioners. Said bond shall be payable to the State of North-Carolina.

Vacancies.

SEC. 5. *Be it further ordained*, That whenever a vacancy may happen in said Board of Commissioners by death, resignation or expulsion for malfeasance of any of its members by said Board of Commissioners, such vacancies may be filled by the Commissioners at their first or any meeting thereafter. It shall also be the duty of said Commissioners to hold at least one meeting each year during the time of the construction of the canals. The President and Treasurer may receive such compensation for their services as a majority of the Commissioners shall fix.

Commission-
ers to value
lands.

SEC. 6. *Be it further ordained*, That said Commissioners may value all the unclear swamp lands within two miles of said canals, and assess an amount of money to be paid for such lands in proportion to the advantage accruing to said lands by the canals, not exceeding five per cent. of their value as aforesaid in 1860, and in case of the refusal of the owners of said lands to pay said assessments, the said Commissioners may file their petition in the Superior Court of Hyde County and have a judgment condemning said lands to be sold to pay such assessment; *Provided*, That the question of the valuation of said lands may be received by a jury of said court.

Canal.

SEC. 7. *Be it further ordained*, That if a majority of the whole number of said Commissioners shall be of opinion that the best plan to drain said lake is by cutting a canal from the head of Broad Creek to the head of Alligator River, then said Commissioners may also expend any part of the moneys herein appropriated in cutting such canal.

Submitted to
vote of the peo-
ple.

SEC. 8. *Be it further ordained*, That this ordinance shall be submitted to the qualified voters of Hyde County for their approval or rejection under the direction of the County

court of said County, or of the Commissioners for said County, and shall take the proper means for that purpose and declare the result; and if approved by a majority of the qualified voters who shall vote upon the question, shall go into force and effect from and after such approval.

Ratified this 9th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XVII.

AN ORDINANCE TO INCORPORATE THE NORTH WESTERN NORTH-CAROLINA RAILROAD COMPANY.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by authority of the same,* That for the purpose of constructing a Rail Road, of one or more tracks, from some point on the North-Carolina Rail Road, between the town of Greensboro', in Guilford County, and the town of Lexington, in Davidson County, running by way of Salem and Winston, in Forsyth County, to some point on the North Western boundary line of the State, to be hereafter determined, a company is hereby incorporated under the name and style of the North Western North-Carolina Rail Road Company, with a capital stock of two millions of dollars, which shall have a corporate existence as a body politic for the space of ninety-nine years, and by that name may sue and be sued, plead and be impleaded, in any Court of Law and Equity in the State of North-Carolina, and may have and use a common seal, and shall be capable in law and equity of purchasing, holding, leasing and conveying estates, real and personal and mixed, and acquiring the same by gift or devise so far as may be necessary for the objects herein contemplated and no further; and said Company may enjoy all other rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws

Company incorporated.

and regulations for its government not inconsistent with the Constitution and laws of the State of North-Carolina and of the United States.

Shares.

SEC. 2. *Be it further ordained*, That the capital stock of said Company may be created by subscriptions on the part of individuals, corporations and counties, in shares of one hundred dollars.

Commission-
ers to open
books.

SEC. 3. *Be it further ordained*, That books of subscription to the capital stock of said Company shall be opened by the following Commissioners, to-wit: I. G. Lash, J. A. Vogler, H. W. Fries, in the town of Salem, and Thomas J. Wilson, Jos. Masten, R. A. Wilson, in the town of Winston, and by such other persons and in such other places as the aforesaid Commissioners may direct, and that ten days notice of the opening of said books shall be given in one or more newspapers of this State; and furthermore, that the said Commissioners, or any four of them, may, at any time after said books have been kept open for the space of thirty days, and the sum of thirty thousand dollars has been subscribed to the capital stock of said Company and five per cent. paid thereon, have power to call together the subscribers to said stock for the purpose of completing the organization of said Company; and the said subscribers shall be and are hereby declared incorporated into a company by the said name and style of the North Western North-Carolina Rail Road Company, and the said Company may, from time to time, receive other subscriptions to its capital stock as it may deem proper.

Election
Directors. of

SEC. 4. *Be it further ordained*, That said Company may hold annual meetings of its stockholders, and oftener if necessary, and at its organization and the annual meetings subsequent thereto ten Directors shall be elected to hold office for one year, or until their successors shall be elected, and any of said meetings shall have power to make or alter the by-laws of the Company; *Provided*, That in all such meetings of the stockholders a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-

laws of the Company, and each share thus represented shall be entitled to one vote on all questions; that it shall be the duty of the Directors of the Company to elect one of their own number as President of said Company, and to fill all vacancies in their Board.

SEC. 5. *Be it further ordained*, That after the organization of said Company and the election of the President and other necessary officers, the officers so elected shall proceed, under the advice of the Directors, to locate the Eastern terminus of the North Western North-Carolina Rail Road, and shall proceed to construct said road, with one or more tracks, as speedily as practicable, in sections of five miles each, to the towns of Winston and Salem, in Forsyth County, which portion of said Rail Road, when completed, shall constitute its first division; *Provided*, That if the distance from the nearest section to the towns of Salem and Winston be less than five miles, the same shall be considered a section.

Location of
the Road.

SEC. 6. *Be it further ordained*, That said Company shall have the same power to call for and enforce the payment of stock subscribed as was heretofore granted to the North-Carolina Rail Road Company, by their charter of incorporation, and shall have power to condemn land for the use of the Company, when a contract of purchase cannot be made with the owner thereof, to the same extent and in the same manner and under the same rules, regulations and restrictions as the said North-Carolina Rail Road Company were authorized to do by their act of incorporation.

Powers of the
Company.

SEC. 7. *Be it further ordained*, That all contracts made and entered into by the President or Superintendent of the Company, whether with or without seal, shall be binding upon the Company; and the President shall, under the instruction of the Board of Directors, issue certificates of stock and the stockholders, which shall be transferable in the manner prescribed by the by-laws of the Company.

Contracts
binding.

SEC. 8. *Be it further ordained*, That whenever the President and Chief Engineer of said Company shall certify to the Governor of the State that the grading of any of the sections of said road, as mentioned in section 5th of this

The State to
loan to the Com-
pany.

ordinance, is completed and ready for the superstructure, he shall direct the Public Treasurer of the State to loan in behalf of the State to the said Company the sum of fifty thousand dollars in coupon bonds, and in like manner the Governor will direct similar loans to be made to the Company, upon the completion of the grading of each and every section until the first division is graded entire, and said Company shall set aside the receipts of the road over and above its annual expenses, as a sinking fund to pay the said debts and interest, the whole amount of said debt and interest to be paid before the said Company shall order any dividends on the stock of the Company; and that said sinking fund so produced shall be semi-annually paid into the Public Treasury.

Mortgage.

SEC. 9. *Be it further ordained,* That no part of said loan or bonds shall be delivered to said Company until the President and Directors thereof shall execute and deliver to the Governor of the State a mortgage on the entire road and its property, conditioned to save the State harmless against the loss of both principal and interest of said loan.

Bonds.

SEC. 10. *Be it further ordained,* That the coupon bonds loaned as aforesaid shall be signed by the Governor, countersigned by the Treasurer and sealed with "the Great Seal of the State," bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons for the interest payable semi-annually in such form as the Public Treasurer may direct.

Rights of Company.

SEC. 11. *Be it further ordained,* That said Company may have the exclusive right of transporting persons and freight upon said road at such rates of charges as the Board of Directors may fix, and may have power to farm or lease the same to any person or persons or corporation.

Stockholders may pay in money or labor.

SEC. 12. *Be it further ordained,* That the stockholders of the said Company may pay the stock subscribed by them either in money, labor or material for constructing said road, as the Board of Directors may determine, and that all counties and towns subscribing stock to said company shall do so in the same manner, and under the same rules, regu-

lations and restrictions as are set forth and prescribed in the act incorporating the North-Carolina and Atlantic Rail Road Company for the government of such towns and counties as now allowed to subscribers to the capital stock of said Company.

SEC. 13. *Be it further ordained*, That the Company shall have power to construct branches of said Rail Road, one of which shall run from said towns of Winston and Salem, by way of Mount Airy, in Surry County, to the line in the State of Virginia.

Branch roads.

SEC. 14. *Be it further ordained*, That this ordinance shall be in force from and after its passage.

Ratified this 9th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XVIII.

AN ORDINANCE INCORPORATING THE NEW BERNE TURPENTINE COMPANY.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same*, That Wm. H. S. Sweet, Chas. R. Dutton, Wm. Fowler, Jeremiah Sweet, James Dutton, Stephen Northop, and their associates, successors, and assigns, are hereby created and constituted a body corporate and politic, by the name, and style, and title, of the New Berne Turpentine Company, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law and equity whatever, in all suits and actions; may have a common seal, and alter the same at pleasure, and may purchase, hold, and convey real and personal estate, to an amount not exceeding two hundred and fifty thousand dollars, (\$250,000.)

Incorporated.

SEC. 2. *Be it further ordained*, That the first meeting of said corporation may be called by the persons named in

Powers of corporation.

this ordinance, or any of them, at such time and place as they may agree upon; and at such meetings, and at all other meetings, legally notified, said corporation may make, alter, and repeal such by-laws and regulations for the management of the business of said corporation, as a majority of the stock may direct, not repugnant to the laws of this State or of the United States.

Stock.

SEC. 3. *Be it further ordained*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as said corporation shall, from time to time, deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in such manner as the by-laws shall direct.

Books of record.

SEC. 4. *Be it further ordained*, That it shall be the duty of the directors, one of whom shall reside continually in the State, to have regular books of record, and transfer thereof, at all times open to the inspection of the stockholders.

SEC. 5. *Be it further ordained*, That this corporation shall continue in force thirty years from and after the passage of this ordinance.

Ratified this 10th day of March, A. D. 1868.

. CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XIX.

AN ORDINANCE TO AMEND THE CHARTER OF THE CHATHAM RAIL ROAD COMPANY.

Public Treasurer to issue bonds.

SECTION 1. *Be it ordained by the people of North-Carolina, in Convention assembled*, That to enable the Chatham Rail Road Company to finish its road, the Public Treasurer is hereby authorized and directed to deliver to the President and Directors of the said Rail Road Company, the coupon

bonds of the State to an amount not exceeding twelve hundred thousand dollars, (\$1,200,000,) signed by the Governor, countersigned by the Public Treasurer and sealed with "the Great Seal of the State," bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof and the coupons of interest payable semi-annually, in such form as the Public Treasurer may direct, to be made payable at such time and place as may be agreed upon by the Public Treasurer.

SEC. 2. *Be it further ordained*, That before the Public Treasurer shall deliver any of said bonds hereby authorized the said Chatham Rail Road Company [shall deposit] with the Public Treasurer the coupon bonds of said Company for the same amount and bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State hereinbefore directed to be issued and paid over to the Chatham Rail Road Company, and to secure the principal and interest of said bonds issued by the Chatham Railroad Company, the State of North-Carolina shall by this ordinance have a lien upon all the estate of said Company, both real and personal, which they may now have or may hereafter acquire, between the city of Raleigh and the Gulf, the terminus of said Rail Road in the Coal-fields, including that at both points, together with all the rights, franchises and powers thereunto belonging or appertaining, or that may hereafter belong or appertain to said Company, which lien shall be more effectually secured by a first mortgage duly executed by said Company to the State and registered in the Register's office in the Counties of Wake and Chatham, and in case of failure of said Company to pay the semi-annual interest on its bonds for twenty-four months after such interest shall become due, or to pay the principal of said bonds for twelve months after their maturity, the Board of Internal Improvements for and in behalf of the State may enter upon and take possession of all the property hereinbefore specified and dispose of the same by sale so as to protect the State.

Company to deposit its bonds with the Public Treasurer.

Lien by the State.

SEC. 3. *Be it further ordained*, That the Chatham Rail bonds. May take up

Road Company may at any time before maturity take up the bonds of said Company deposited with the Public Treasurer by substituting in lieu thereof coupon bonds of the State or other indebtedness of the State.

Privilege reserved to the State.

SEC. 4. *Be it further ordained*, That the State shall have the privilege at any time within eight years from the passage of this ordinance to subscribe stock in said Company to the amount of six hundred thousand dollars (\$600,000) in shares of one hundred dollars (\$100) each, and upon certificate of stock being issued to the State by said Company for the same, to surrender the bonds of said Company which had previously been delivered to the State under the provisions of this ordinance.

SEC. 5. *Be it further ordained*, That this ordinance shall take effect and be in force from and after its passage.

Ratified this 11th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XX.

AN ORDINANCE TO AID THE WILLIAMSTON AND TARBORO' RAIL ROAD COMPANY.

State loan to Williamston and Tarboro' R. R. Company.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That when the President of the Williamston and Tarboro' Rail Road Company shall certify to the Governor of the State that said road is graded, he shall direct the Public Treasurer to loan in behalf of the State to said Company the sum of one hundred and fifty thousand dollars in coupon bonds, and said Company shall set aside the receipts of the road over and above its annual expenses as a sinking fund to pay said debt, and interest to be paid before the said Company shall order any dividends on the stock of the Company, and that said sinking fund so produced shall be semi-annually paid into the Public Treasury.

SEC. 2. *Be it further ordained*, That no part of said loan or bonds shall be delivered to said Company until the President and Directors thereof shall execute and deliver to the Governor of the State a first mortgage on the entire road and its property, conditioned to save the State harmless against the loss of both principal and interest of said loan.

Loan to be secured by mortgage.

SEC. 3. *Be it further ordained*, That the coupon bonds loaned as aforesaid shall be signed by the Governor, countersigned by the Treasurer and sealed with "the Great Seal of the State," bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons for the interest payable semi-annually in such form as the Public Treasurer may direct.

Interest and payments.

SEC. 4. *Be it further ordained*, That said Company may have the exclusive right of transporting persons and freight upon said road at such rates of charges as the Board of Directors may fix, and may have power to farm or lease the same to any person or persons or corporation.

Power to fix rates and to lease.

SEC. 5. *Be it further ordained*, That the stockholders of said Company may pay the stock subscribed by them either in money, labor or material for constructing said road as the Board of Directors may determine, and that all counties and towns subscribing stock to said Company shall do so in the same manner and under the same rules, regulations and restrictions as are set forth and prescribed in the act incorporating said Company.

Payment of subscribed stock

SEC. 6. *Be it further ordained*, That this ordinance shall be in force and take effect from and after its passage.

Ordinance in force from its passage.

Ratified this 11th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XXI.

AN ORDINANCE TO DIVORCE WINNEY GIBBLES AND JAMES GIBBLES.

Jas. Gibbles
and Winney
Gibbles divorced.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That the nuptial tie between Winney Gibbles and James Gibbles, be, and the same is hereby dissolved, and that the said Winney Gibbles be divorced from the bonds of matrimony contracted with the said James Gibbles, and that the said Winney Gibbles be from henceforth, to all intents and purposes, a *feme sole*.

SEC. 2. *Be it further ordained*, That this ordinance shall take effect from its ratification.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*

CHAPTER XXII.

AN ORDINANCE FOR THE DIVORCE OF ELIZA C. WAGNER.

Herman and
Eliza C. Wagner
divorced.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That Eliza C. Wagner, of Alamance County, be, and she is hereby divorced from the bonds of matrimony with her husband, Herman Wagner.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XXIII.

AN ORDINANCE FOR THE DIVORCE OF JOSEPHINE EMANUEL.

James W. and
Josephine Emanuel
divorced.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That Josephine, wife of James M.

Emmanuel, of Orange County, be, and is hereby divorced from the bonds of matrimony with her husband.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XXIV.

AN ORDINANCE FOR THE DIVORCE OF LAVINIA LEE AND
WESLEY LEE.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That Lavinia Lee, of Guilford County, be and she is hereby divorced from the bonds of matrimony with her husband, Wesley Lee. Wesley and Lavinia Lee divorced.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XXV.

AN ORDINANCE FOR THE DIVORCE OF DEWITT C. WILSON AND
NANCY C. WILSON.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That Dewitt C. Wilson and Nancy C. Wilson, his wife, of Davie County, be and they are hereby divorced from the bonds of matrimony. DeWitt C. and Nancy C. Wilson divorced.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XXVI.

AN ORDINANCE FOR THE DIVORCE OF ESTHER V. TODD AND
BENJAMIN W. TODD.

Benj. W. and
Esther V. Todd
divorced.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That Esther V. Todd, formerly Esther V. Walton, now wife of Benjamin W. Todd, and she is hereby divorced from the bonds of matrimony with her said husband, and that she shall be at liberty to resume her maiden name; and this ordinance shall take effect from and after its passage.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XXVII.

AN ORDINANCE FOR THE DIVORCE OF JAMES OVERTON AND
CHARLOTTE OVERTON.

Jas. and Char-
lotte Overton
divorced.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That James Overton and Charlotte his wife, are hereby divorced from the bonds of matrimony.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XXVIII.

AN ORDINANCE FOR THE DIVORCE OF WILLIAM J. HOPKINS AND
MARTHA A. HOPKINS.

Wm. J. and
Martha A. Hop-
kins divorced.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That the bonds of matrimony between William J. Hopkins and Martha A., his wife, now

ranville County, are hereby dissolved, and either party
e at liberty to marry again.

Ratified this 12th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XXIX.

AN ORDINANCE IN RELATION TO THE PARDON OF OFFICERS AND SOLDIERS OF THE LATE CONFEDERATE SERVICE.

SECTION 1. *Be it ordained by the people of North-Carolina
n Convention assembled, and it is hereby ordained by the*
authority of the same, That an act of the General Assem-
ly, ratified December the 22d, 1866, granting a general
amnesty and pardon to all officers and soldiers of the State
of North-Carolina, of the late Confederate States armies, or
of the United States, or any person or class of persons to
which said general amnesty was intended to apply, be and
the same is hereby repealed, except so much of it as applies
to females.

General Am-
nesty act repeal-
ed.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XXX.

AN ORDINANCE TO CHANGE THE MANNER OF PAYMENT OF THE STATE'S SUBSCRIPTION TO THE CAPITAL STOCK OF THE WES- TERN RAIL ROAD.

SECTION 1. *Be it ordained by the people of North-Carolina
in Convention assembled, and it is hereby ordained by the*
authority of the same, That the Western Rail Road Company
are hereby authorized to return to the Public Treasurer the
sum of one-half million of dollars of the second mortgage

The Company
authorized to re-
turn half million
of mortgage
bonds to the
Treasurer.

bonds of the Wilmington, Charlotte and Rutherford Rail Road Company, which amount has heretofore been paid by the Public Treasurer to said Company, as the payment of the subscription of the State to the capital stock of said Company, under the authority of the third section of the act of the General Assembly, entitled "An act to enable the Western Rail Road Company to extend its road to and across the North-Carolina Rail Road to the Virginia line near Mt. Airy, in the County of Surry," ratified the 25th day of February, 1867; and in place thereof the Public Treasurer is hereby authorized and directed to make and deliver to said Western Rail Road Company one-half million dollars of the coupon bonds of the State of North-Carolina, signed by the Governor and countersigned by the Public Treasurer, bearing interest at the rate of six per cent. per annum, the principal and interest payable at such time and in such manner and place as the Governor or Public Treasurer may prescribe.

When the bonds shall be delivered.

SEC. 2. *Be it further ordained*, That no part of the five hundred thousand dollars (\$500,000) of bonds herein appropriated as a loan to the Western Rail Road Company shall be delivered to said Company, until the President and Directors thereof shall have executed and delivered to the Governor of the State, a first mortgage on the entire road and its property, conditioned to save the State harmless against the loss of both principal and interest of said loan.

Act of the Legislature repealed

SEC. 3. *Be it further ordained*, That so much of the third section of the act of the General Assembly, entitled "An act to enable the Western Rail Road Company to complete its road from the Coalfields in Chatham County to some point on the North-Carolina Rail Road," ratified the 22d day of December, 1866, as prohibits said Company from negotiating its bonds at not less than par, be and the same is hereby repealed; and this ordinance shall be in force from and after its passage.

Ratified the 14th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XXXI.

AN ORDINANCE TO DIVORCE ADELIA E. SLATER AND JAMES A. SLATER.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That Adelia E. Slater, of Rowan County, be and she is hereby divorced from the bonds of matrimony with her husband, James A. Slater, and that he shall be at liberty to assume her maiden name, said Adelia to have sole charge of her children. James A. and Adelia E. Slater divorced.

Ratified this 16th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BRYNES, *Secretary.*

CHAPTER XXXII.

AN ORDINANCE TO AMEND AN ORDINANCE OF THIS CONVENTION ENTITLED "AN ORDINANCE TO CHANGE THE MANNER OF PAYMENT OF THE STATE'S SUBSCRIPTION TO THE CAPITAL STOCK OF THE WESTERN RAIL ROAD COMPANY."

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That section second of an ordinance of this Convention, entitled "An ordinance to change the manner of payment of the State's subscription to the capital stock of the Western Rail Road Company," ratified the 14th day of March, 1868, be and is hereby repealed and declared of no effect. Ordinance repealed.

SEC. 2. *Be it further ordained,* That this ordinance shall be in force from and after its ratification. Ordinance in force from its ratification.

Ratified this 17th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XXXIII.

AN ORDINANCE IN RELATION TO THE PRINTING OF THE CONSTITUTION, ORDINANCES AND RESOLUTIONS.

Ordinances to be in force from the date of their authentication.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That every ordinance and resolution of this Convention, when the same shall have been enrolled, shall be authenticated by the signatures of the President and of the Principal Secretary of this Convention, and the date of its final passage shall be affixed thereto; and such ordinances and resolutions shall go into effect from such date, unless some other be prescribed or unless such ordinance or resolution shall be required to be submitted to the people for ratification.

Ordinances, resolutions, &c., to be deposited in the office of the Secretary of State.

SEC. 2. *Be it further ordained*, That all such enrolled ordinances and resolutions, and also the Journals of the Convention, and all the papers belonging to the Convention, immediately upon the adjournment thereof shall be deposited by the President and Secretary of the Convention in the office of the Secretary of State for the State of North-Carolina.

Constitution, &c., to be printed and distributed.

SEC. 3. *Be it further ordained*, That four thousand copies of the Constitution, ordinances and resolutions of this Convention, and three hundred copies of the Journals, shall be printed as soon as possible after the adjournment of the Convention, under the supervision of the Principal Secretary of the Convention, and that ten copies of the ordinances and resolutions and one copy of the Journals shall be given to each member of this Convention, and two bound copies of the ordinances and resolutions to each Clerk of the Superior Court, one copy to each Judge of the Supreme Court and to each Justice of the Peace and County Commissioner elected under the provisions of this Constitution, and the residue to the Secretary of State of North-Carolina for the use of the State.

SEC. 4. *Be it further ordained*, That as soon as possible after the adjournment of this Convention there shall be

Printed under the same supervision ten thousand copies of the Constitution adopted, and of all ordinances for the purposes of carrying the same into effect, or which shall be required to be submitted to the people for ratification at the same time, and that the same be distributed as rapidly as possible among them by the said Principal Secretary.

Ten thousand copies of Constitution and Ordinances to be printed.

SEC. 5. *Be it further ordained*, That the Constitution shall also be published in the following named newspapers of this State once a week for three weeks: *Newbern Republican*; *Wilmington Post*; *Raleigh Standard*, Raleigh, N. C.; *Union Republican*, Charlotte; *Pioneer*, Asheville.

Constitution to be published in newspapers.

SEC. 6. *Be it further ordained*, That the Secretary shall receive for his services under this ordinance six dollars per day while engaged.

Compensation of the Secretary.

SEC. 7. *Be it further ordained*, That the printed copies of the Constitution, and of all the ordinances and resolutions of the Convention printed by authority of the Convention, or which shall be hereafter printed by authority of the General Assembly of North Carolina, shall be admitted as evidence in all courts of this State.

Printed copies of the Constitution to be evidence in the courts.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President*,
T. A. BYRNES, *Secretary*.

CHAPTER XXXIV.

AN ORDINANCE IN RELATION TO THE CAPE FEAR AND DEEP RIVER NAVIGATION WORKS.

WHEREAS, The Cape Fear and Deep River Navigation Works are in a ruinous condition, and in their present condition utterly worthless to the State and highly injurious to the interests of the people residing in the valleys of said rivers; and whereas, it is expedient that said Works shall be made available in developing the resources of said valleys:

Preamble.

Interest of the
State in Works
transferred to
Chatham R. R.
Company.

SECTION 1. *Now therefore be it ordained by the people of North-Carolina in Convention assembled,* That for the purpose of aiding the Chatham Rail Road Company in [the] transportation of stone for building their bridges, culverts and other masonry, and for the carriage of materials and supplies to points needed, the interest of the State of North-Carolina in said Cape Fear and Deep River Navigation Works from the Gulf Dam, on Deep River, to Northing Dam, on Cape Fear River, both inclusive, is hereby transferred to the said Chatham Rail Road Company, with liberty to said Company to repair, use and make avail of said portion of said Works, and all franchises and privileges appurtenant thereto, to the same extent as is possessed by the State.

President and
Directors have
power of transfer
and assignment.

SEC. 2. *Be it further ordained,* That the President and Directors of the Chatham Rail Road Company shall have power to transfer and assign said interests herein conveyed and transferred, or any portion thereof, for the purpose of improving the valleys of said rivers.

SEC. 3. *Be it further ordained,* That this ordinance shall be in force from its passage.

Ratified this 15th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XXXV.

AN ORDINANCE FOR THE SUBMISSION OF THE CONSTITUTION TO THE PEOPLE, AND THE ELECTION OF CERTAIN OFFICERS.

Constitution
to be submitted.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That the Constitution adopted by this Convention be submitted for ratification to the voters of this State, registered and qualified, as provided by the acts of Congress known as the Reconstruction Laws, on the 21st, 22d and 23d of April, 1868. The vote on said Constitution shall be "For the Constitution" and "Against the

Constitution." The said election shall be held at the places and under the regulations to be prescribed by the Commanding General of this military district, and the returns made to him as directed by law.

SEC. 2. *Be it further ordained*, That an election shall be ^{Election to be held.} held at the same time and place as the ratification of the Constitution, for Senators and Representatives in the General Assembly, and for all State and County officers, who are to be elected by the people under this Constitution.

SEC. 3. *Be it further ordained*, That an election for ^{Members of Congress.} members of the United States Congress shall be held in each Congressional District as now established, at the same time and place as the election for ratification of the Constitution. Said election shall be conducted by the same persons and under the same regulations as before mentioned in this ordinance. The returns shall be made to the President of this Convention, who shall give the persons chosen certificates of election.

SEC. 4. *Be it further ordained*, That the Commanding General of this Military District is requested to enforce this ordinance

SEC. 5. *Be it further ordained*, That the President of this Convention is hereby directed to forward ^a certified copy of this ordinance to the Commanding General of this Military District.

Ratified this 17th day of March, A. D., 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XXXVI.

AN ORDINANCE TO PREVENT THE INTIMIDATION OF VOTERS.

SECTION. 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained as follows*: Any person who shall prevent, or endeavor to prevent, any qualified elector of this State from the free ex- ^{Misdemeanor to intimidate or bribe voters.}

ercise of the elective franchise, by violence or bribery, or by threats of violence or injury to his person or property, or by depriving an elector of employment or threatening to deprive him of employment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not less than one month, nor more than six months, or by fine of not less than one hundred dollars nor more than five hundred dollars for each offence, and one half of the fine shall go to the prosecutor.

Hiring of laborer to vote, bribery.

SEC. 2. *Be it further ordained*, That the hiring of any laborer upon the condition that the same shall vote, or not vote, for any special candidate, or any particular party, or in any specific manner shall be deemed bribery within the meaning of this act, upon the part of the person demanding the said condition.

SEC. 3. *Be it further ordained*, That this ordinance shall be published and circulated with this Constitution for the information of voters, and shall be in force from and after the date of its passage.

CALVIN J. COWLES, *President*.

T. A. BYRNES. *Secretary*.

CHAPTER XXXVII.

AN ORDINANCE FOR THE RELIEF OF THE SHERIFF OF ORANGE COUNTY.

Preamble.

WHEREAS, The Sheriff of Orange County was delinquent in paying a portion of the taxes for 1866, and judgment was obtained against him by the State for said balance, one thousand dollars penalty, and no commissions for collecting were allowed him, which commissions, if allowed, would have amounted to two hundred and sixty-seven dollars and ninety-eight cents; and whereas, all the taxes due the State for that year have since been paid, including said penalty and commissions, and owing to the extraordinary poverty of the people and difficulty of collections, in

the opinion of this Convention relief should be granted said Sheriff,

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That the said Hugh B. Guthrie, Sheriff of Orange County, be allowed the sum of one thousand two hundred and sixty-seven dollars and ninety-eight cents, (\$1,267.98,) to be credited upon any taxes still owing by said Sheriff, in the order of the dates wherein the same were due. Allowed a certain amount.

Ratified this 6th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XXXVIII.

AN ORDINANCE TO EXEMPT MINISTERS OF THE GOSPEL AND JUSTICES OF THE PEACE IN THE COUNTY OF CUMBERLAND FROM THE PENALTY IMPOSED BY THE ACT OF THE GENERAL ASSEMBLY OF NORTH-CAROLINA FOR CELEBRATING THE RITES OF MATRIMONY IN SAID COUNTY WITHOUT A LICENSE THEREFOR.

WHEREAS, There is no Clerk of the County Court in Camberland County, (by reason of death of the late incumbent,) and therefore no one legally authorized to issue a license to persons desiring to intermarry; and whereas, D. G. McRae, J. W. Lett, and E. L. Pemberton, three of the Justices of the Peace in and for said County, have issued commissions to Ministers of the Gospel, and Justices of the Peace authorizing and empowering them to celebrate the rites between certain parties: now, therefore, Preamble.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same,* That those Ministers of the Gospel and Justices of the Peace in said County, who have, or may hereafter, solemnize the rites of matrimony under a commission from the aforesaid Justices of the Peace be, and Ministers and Magistrates released from penalty.

they are hereby released from the penalty imposed by law for celebrating the rites of matrimony without having a license from the Clerk of the County Court of said County.

SEC. 2. *Be it further ordained*, That this power and authority given to said D. G. McRae, J. W. Lett and E. L. Pemberton, shall cease and be of no effect from and after the time that a Clerk of the County Court in said County shall be appointed and shall qualify according to law.

Ratified this 22d day of February, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XXXIX.

AN ORDINANCE FOR THE DIVORCE OF JOHN ROBERTS AND CAMELIA ROBERTS.

John and Ca-
melia Roberts
divorced.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That John Roberts, of Chowan County, be and he hereby is divorced from the bonds of matrimony with Camelia, his wife: *Provided*, That it shall be lawful for the said Camelia to apply to the proper Court, and obtain such alimony as may be proper.

SEC. 2. *Be it further ordained*, That this ordinance shall go into effect from and after its ratification.

Ratified this 5th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XL.

AN ORDINANCE CONCERNING WIDOWS WHO HAVE QUALIFIED AS EXECUTRIX TO THE LAST WILL AND TESTAMENT OF THEIR DECEASED HUSBANDS.

SECTION 1. *Be it ordained by the people of North-Carolina*

in Convention assembled, and it is hereby ordained by the authority of the same, That the widow of any testator, whose last will and testament has been admitted to probate in this State, since the first day of January, one thousand eight hundred and sixty-two, and before the first day of May, one thousand eight hundred and sixty-five, notwithstanding such widow may have qualified to such last will and testament as Executrix, be, and she is hereby allowed to enter her dissent to the same, according to the same forms as are now provided by law for the dissent of widows. Widow may dissent.

SEC. 2. *Be it further ordained,* That in all cases where a widow shall dissent from the last will and testament of her husband, as provided for in the foregoing section, she shall be entitled to the same rights of dower as if her husband had died intestate: *Provided, however,* That no widow shall be entitled to the benefit of this ordinance, unless such dissent shall be entered within six months from and after the passage of this ordinance, nor in any case where the real estate of the deceased husband has been sold subsequent to his death, or has been divided between his devisees or heirs at law. What she shall be entitled to.

SEC. 3. *Be it further ordained,* That this ordinance shall be in force from and after its ratification.

Ratified this fifth day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XLI.

AN ORDINANCE APPOINTING COMMISSIONERS TO PREPARE A CODE OF PRACTICE AND PROCEDURE IN THE DIFFERENT COURTS OF THE STATE.

SECTION. 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained as follows:* That Victor C. Barringer, A. W. Tourgee and Wm. B. Rodman are hereby appointed Commissioners, whose Commissioners

duty it shall be to prepare a Code of Practice and Procedure in the different Courts of the State, and to reduce into a written and systematic Code the whole body of law of the State, or such parts thereof as shall seem to them practicable and expedient, and consistent with the provisions of the Constitution.

Code in two parts.

SEC. 2. *Be it further ordained*, That the Commissioners shall divide the Code of Practice and Procedure into two parts, the one as a Code of Criminal Procedure, with the requisite forms, the other a Code of Civil Procedure, with forms thereof.

What the Code shall contain.

SEC. 3. *Be it further ordained*, That the first division of the Code of Law must embrace the laws respecting the government of the State, its civil polity, the functions of its public officers and duties of its citizens. The second must embrace the laws of personal rights and relations of property and obligations. The third shall define crimes and prescribe their punishments.

Term of office.

SEC. 4. *Be it further ordained*, That the Commissioners shall hold their offices for three years; but the General Assembly may continue their term if it shall be deemed necessary.

Commissioners shall report.

SEC. 5. *Be it further ordained*, That the Commissioners shall report to the General Assembly at its first session after the adoption of this Constitution a general analysis of the Code projected by them and the progress made by them therein, and shall continue to report at each succeeding session of the General Assembly the progress made to that time.

Code to be printed and distributed.

SEC. 6. *Be it further ordained*, That whenever the Commissioners shall have prepared the Code, or any portion of the same, they shall contract with the printer of the State for printing of the same, and cause the same to be distributed among the Justices of the Supreme Court, Judges of the Superior Courts, and other competent persons, for examination, after which the Commissioners shall re-examine their work and consider such suggestions as may have been made to them. They shall then cause the Code as finally

agreed upon by them to be reprinted under the contract as aforesaid and distributed to all the Justices of the Supreme Court, the Judges of the Superior Courts and Clerks of the Superior Courts thirty days before being presented to the General Assembly; and the Penal Code in like manner to be distributed to the Solicitors of the State.

SEC. 7. *Be it further ordained*, That the Commissioners shall from time to time specify such amendments, alterations and revision of the law as to them may seem necessary to carry into effect the provisions of the Constitution, and report the same to the General Assembly.

Amendments.

SEC. 8. *Be it further ordained*, That each of said Commissioners shall receive a salary of two hundred dollars per month, while actually engaged in the performance of his duties as such. A suitable room in the capital shall be assigned to said Commissioners as an office, and the necessary printing and stationery allowed the same.

Salary of Commissioners.

SEC. 9. *Be it further ordained*, That this ordinance shall be in force from and after its ratification.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XLII.

AN ORDINANCE TO INCORPORATE THE CHARLOTTE CITY HALL ASSOCIATION.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled*, That John L. Morehead, Robert M. Oates, Jonas Rudicill, Samuel Tayler, Thomas W. Dewey, Charles W. Alexander, W. I. Sater, and their associates, successors and assigns, be and they are hereby incorporate a body in law and fact, by the name and style of the Charlotte City Hall Association, for the purpose of erecting buildings and other improvements in the City of Charlotte, and shall possess and enjoy all rights and privileges and im-

Incorporated.

munities of a corporation, a body politic in law necessary to carry on said business.

Capital stock. SEC. 2. *Be it further ordained,* That the said Company may employ such an amount of capital not exceeding one hundred thousand dollars as may be deemed necessary to carry on the business aforesaid, which may be divided into shares of one hundred dollars or such other amounts as the stockholders in general meeting may determine, for obtaining which books of subscription may be opened by the corporation aforesaid, and the sum paid in in such manner and such time as the Board of Directors may require; and if any subscriber shall fail to pay any instalment at the time required, he shall pay interest thereon at the rate of ten per cent. per annum, and his stock may be forfeited and sold by the Directors, and the proceeds applied to the payment of the aforesaid deficient instalment. Certificates of stock may be issued, and the same made transferable and assignable as the by-laws of the Company may prescribe.

Board of Directors.

SEC. 3. *Be it further ordained,* That the affairs of said Company shall be managed by a Board of five Directors, chosen from among the stockholders, who shall elect one of their number to be the President of the Company. Three of the Board shall be a quorum to transact business, one of whom shall be the President.

Powers of Company.

SEC. 4. *Be it further ordained,* That the said Company shall have power to make by-laws not inconsistent with the laws of the United States and this State, appointing all necessary officers and employees, fixing salaries, taking bonds, filling vacancies and making regulations for the transaction of any matters necessary for the successful carrying on of the business of the Company.

General meeting of stockholders.

SEC. 5. *Be it further ordained,* That as soon after the ratification of this act as they may think proper, said corporation or a majority of them may call a general meeting of the subscribers to the stock in said Company, for the purpose of adopting by-laws for, and electing Directors of, said Company, which Directors shall continue in office until successors shall be duly elected by a succeeding meeting.

SEC. 6. *Be it further ordained*, That the said corporation shall have full power and authority to purchase and hold lots and parcels of land in said city or its vicinity, and erect thereon buildings and other improvements, and to sell, rent, lease or dispose of the same as may be ordered by the stockholders of said Company. ^{May purchase lands.}

SEC. 7. *Be it further ordained*, That the said corporation, for the purpose of carrying on their purchases of lots or lands, and of erecting buildings and other improvements, may issue bonds on the faith and credit of said corporation in such amounts, at such times and at such rates, as they may deem right and proper, and shall have power to make mortgages or deeds of trust to secure said bonds. ^{May issue bonds.}

SEC. 8. *Be it further ordained*, That this ordinance shall be in force from and after its ratification, and continue for fifty years.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XLIII.

AN ORDINANCE TO INCORPORATE THE HALCYON STEAM BOAT COMPANY.

SECTION. 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same*, That Robert M. Orrell, James A. Orrell and John R. Dailey, and such others as they may hereinafter associate with them, their successors and assigns, shall be and are hereby created, constituted and declared a body corporate and politic by the name of "The Halcyon Steam Boat Company," and by that name shall be in law capable of suing and being sued, pleading and being impleaded, shall have a common seal and be invested with all rights and privileges and be subject to all the regulations and restrictions contained in the 26th chapter of the Revised ^{Body corporate.}

Code, so far as the same are applicable to such a corporation, that are not inconsistent with the provisions of this act.

Capital stock. SEC. 2. *Be it further ordained*, That the capital stock of said Company shall consist of fifteen thousand dollars, with the privilege of increasing the same to twenty thousand dollars, divided into shares of one thousand dollars each.

Other steamers. SEC. 3. *Be it further ordained*, That said Company may build another steamer or barge or flats if required for the interest of the Company.

Real estate. SEC. 4. *Be it further ordained*, That said Company shall have power to hold, possess, acquire and enjoy such real estate as may be necessary for the transaction of its business, and from time to time to make all necessary rules, regulations and by-laws for the government and direction of the concerns thereof, not inconsistent with the Constitution and laws of the State of North-Carolina and of the United States, and said Company to have corporate existence for twenty years, unless surrendered to the Legislature at an earlier date by a majority of the stock.

SEC. 5. *Be it further ordained*, That this ordinance shall be in force from and after its ratification.

Ratified this 13th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XLIV.

AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF THE INTEREST ON THE PUBLIC DEBT.

Directions to the Legislature.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same*, That the first General Assembly which shall be convened under the provisions of the Constitution framed by this body, be and the same is hereby directed make the following provisions for the payment of the interest upon the public debt:

SEC. 2. It shall provide for the payment in cash of the interest falling due on and after the first day of January, 1869, upon that portion of the bonds of the State which are dated prior to May 20th, 1861. Interest on public debt to January, 1869.

• SEC. 3. It shall provide for the payment in cash of the interest falling due on and after the first day of July, 1869, upon that portion of the bonds of the State which are dated on and after January 1st, 1866. Do. to July, 1869.

SEC. 4. It shall provide for funding all such coupons upon the above specified classes of bonds as are now due, or which may become due, prior to the time when the payment of interest shall be resumed as above directed; and for such purposes the General Assembly shall authorize the issue of bonds of the State bearing six per cent. interest, which shall be given at par in exchange for such coupons as are now due, or may become due prior to the time when such resumption of the payment of interest shall take place. Other provisions in relation to public debt.

SEC. 5. This ordinance shall be in force and take effect from and after its passage.

Ratified this 14th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XLV.

AN ORDINANCE PROVIDING FOR AUDITING THE ACCOUNTS OF THE CONVENTION.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That Calvin J. Cowles, after the adjournment of this Convention, shall audit the accounts thereof, and also the accounts for all expenditures for the Accounts shall be audited by the President.
 1. Iting ordered by this Convention, and the Treasurer of
 t. State is hereby required to pay from any money in the
 T. Treasury of the State, upon the warrant of said Cowles, any
 s. necessary for the purpose of paying such expenses. He
 s. shall receive for his services six dollars per day while ac-

truly employed therein, to be paid in the manner upon his own warrant. The Comptroller of the State is hereby requested to audit the accounts of said Cowles, and the said accounts so audited shall be deposited in the office of the Comptroller of the State of North-Carolina.

Ratified this 14th day of March, A. D. 1868.

CALVIN J. COWLES, *President*

T. A. BYRNE, *Secretary*

CHAPTER XLVI

AN ORDINANCE IN RELATION TO MARRIAGES AUTHORIZED BY MILITARY AUTHORITY.

*See overleaf page
and under.*

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same, That all marriages authorized by military authority since April 1st, 1862, are hereby declared legal and valid.*

Ratified this 14th day of March, A. D. 1868.

CALVIN J. COWLES, *President*

T. A. BYRNE, *Secretary*

CHAPTER XLVII

AN ORDINANCE FOR THE DIVORCE OF PALMER AND LUCIND C. BABCOCK.

*Palmer and
Lucind C. Bab-
cock divorced.*

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, That Palmer Babcock be and he hereby is divorced from the bonds of matrimony with his wife, Lucind C. Babcock, and that this ordinance shall have effect from and after its passage.*

Ratified this 14th day of March, A. D. 1868.

CALVIN J. COWLES, *President*

T. A. BYRNE, *Secretary*

CHAPTER XLVIII

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF WILMINGTON.

WHEREAS, Certain provisions of an act to incorporate the inhabitants of the town of Wilmington, ratified February 1st, A. D. 1866, are inconsistent with and contrary to section 22d of the Bill of Rights as adopted by this Convention, and proposed to be incorporated in the Constitution of the State of North-Carolina :

Preamble

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That so much of section third of the aforesaid act to incorporate the inhabitants of the town of Wilmington, as requires a freehold situated in the city of the value of one thousand (\$1,000) dollars, according to assessment for taxation, as a qualification to hold the office of Mayor and Alderman of said city, be and the same is hereby repealed.

Amends sec. 3 of former charter.

SEC. 2. *Be it further ordained,* That so much of section fifth of the aforesaid act of incorporation, as requires the inspector of elections in each ward to be a freeholder, be and hereby is repealed.

Amends section 5th.

SEC. 3. *Be it further ordained,* That within fifteen days after the organization of the State Government, under the Constitution adopted by this Convention, the Sheriff of the County of New Hanover, with such assistants as he may appoint, shall hold an election for Mayor and two (2) Aldermen for each of the four wards of the City of Wilmington, which election shall be in conformity with the provisions of this ordinance and in the manner prescribed by the seventeenth (17th) section of the beforementioned act of incorporation. The person elected Mayor shall hold office until the first Monday in January, 1869 ; and until his successor is qualified. Of the persons elected Aldermen of each ward, one shall hold office until the first Monday in January, 1869, and until his successor shall be qualified, and the other shall hold office until the first Monday in January, 1870, and

Election for Mayor, &c.

until his successor shall be qualified. The classification of the Aldermen shall be made by the aforesaid Sheriff, in the manner prescribed for the classification of the first Board of Aldermen, by section seventeenth (17th) of the aforesaid act of incorporation.

SEC. 4. *Be it further ordained*, That this ordinance shall be in force from and after the approval by the Congress of the United States of the Constitution framed by this Convention.

Ratified this 14th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER XLIX.

AN ORDINANCE TO INCORPORATE THE DAN RIVER COALFIELD RAIL ROAD COMPANY.

Name and
style.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same*, That a Company by the name and style of the "Dan River Coalfield Rail Road Company" be

Capital stock.

and the same is hereby incorporated, with a capital stock of twelve hundred and fifty thousand dollars, divided into shares of one hundred dollars each, for the purpose of constructing a Rail Road from some point on the Virginia line, near the town of Danville, in Virginia, to the Coalfields of Dan River.

General Com-
missioners.

SEC. 2. *Be it further ordained*, That for the purpose of increasing the capital stock of said Company heretofore subscribed, and renewing and sealing all former subscriptions to said Company, the following persons be and are hereby appointed general Commissioners, viz: John W. Broadnax, President, George L. Akin, Jones Burton, Carter, J. Turner Morehead, Gen. Alfred M. Scales, I shall Black, Wm. A. Lash, Benj. Baley, Andrew H. Jc Reubin D. Golding, Joseph Willis, Robert Matthews, I

W. McCanlass and James Davis, whose duty it shall be to direct the opening of books for subscription of stock at such times and places and under such persons as they, or a majority of them, may deem proper; and said general Commissioners may have power to appoint a Chairman of their body, Treasurer, and all other officers their organization may require, and to sue for and recover all lands and sums of money that ought, under this act, be recovered by them.

SEC. 3. *Be it further ordained,* That all persons who may be hereafter by the general commissioners authorized to open books of subscription, may do so at any time after the ratification of this act, upon giving twenty days notice of the time and place when said books will be opened, and said books shall be kept open for the space of thirty days at least, and as long thereafter as the general commissioners shall direct; and that all subscriptions of stock shall be in shares of one hundred dollars in money or its value in land, the subscriber paying at the time of making his subscription five dollars on each share by him subscribed to the person or persons authorized to receive such subscriptions; and in case of failure to pay said sum all such subscriptions shall be void and of no effect; and upon closing the books all such sums as shall have been thus received of subscribers on the first cash or land instalment, shall be paid over to the general commissioners by the persons receiving the same; and in case of failure to pay as aforesaid such person or persons receiving said money or lands shall be personally liable to said general commissioners, before the organization of said Company, and to the Company itself after the organization, to be recovered in the Superior Courts of Law within this State in the County where such delinquent resides, or if he resides in another State, then in any court in such State having competent jurisdiction. The general commissioners shall have power to call on all persons empowered to give subscriptions of stock at any time, and from time to time, as a majority of them may think proper, to make a return of the stock by them respectively received, and to make the payment of all lands or sums of money paid by sub-

Subscriptions
of stock, &c.

scribers; that all persons receiving subscriptions of stock shall pass a receipt to the subscriber or subscribers for the payment of the first instalment, as heretofore required to be paid; and upon their settlement with the general commissioners as aforesaid, it shall be the duty of said general commissioners in like manner to pass their receipt for all sums thus received to the person from whom received, and such receipt shall be taken and held to be good and sufficient vouchers to the persons holding them; that subscriptions of stock may be received as aforesaid, or as hereinafter provided for, to the amount of twelve hundred and fifty thousand dollars.

Duty of Gen-
eral Commis-
sioners.

SEC. 4. *Be it further ordained.* That it shall be the duty of said general commissioners to direct and authorize said books of subscription to be kept open until the sum of fifty thousand dollars at least shall be subscribed in the manner aforesaid, and as soon as the sum of fifty thousand dollars or upwards shall be subscribed in the manner aforesaid, and the sum of five dollars on each share paid in as aforesaid, the subscribers to said stock shall be and are hereby declared to be a body politic and corporate in fact and in law, by the name and style of "the Dan River Coalfield Rail Road Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said Company and their successors and assigns in perpetuity, and by that name shall be capable in law and in equity to purchase, hold, lease, rent, sell or convey estates, real, personal and mixed, and to acquire the same by gift, devise or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter, and shall have perpetual succession and a common seal, which they may use, alter or renew at pleasure, and by their corporate name may sue and be sued, plead and be impleaded in any Court of Law or Equity in this State or any other State, and shall have, possess and enjoy all the rights, privileges and immunities which corporate bodies may and of the right do exercise, and may make all such by-laws, and regulations as are necessary for the government of the

poration, or for effecting the object for which it is created inconsistent with the laws of this State or of the United States.

SEC. 5. *Be it further ordained*, That as soon as the sum fifty thousand dollars or upwards shall be subscribed as aforesaid, it shall be the duty of the general commissioners to appoint a time for the stockholders to meet in Madison, in the County of Rockingham, which they shall cause to be previously published for the space of thirty days in one or more newspapers, at which time and place the said stockholders, in person or by proxy, [shall] proceed to elect by ballot nine Directors of the Company, and to enact all such regulations and by-laws as may be necessary for the government of said corporation and the transaction of business. The persons elected Directors of this meeting shall serve each period, not exceeding one year, as the stockholders may direct, and at this meeting the stockholders shall fix on a day and place or places where the subsequent election of Directors shall be held; and such elections shall henceforth be annually made, and if the day of the annual election should pass without any election of Directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such elections in such manner as may be prescribed by a by-law of the corporation.

Meeting of
stockholders.

SEC. 6. *Be it further ordained*, That the affairs of said Company shall be managed by a general board to consist of nine Directors, to be elected by the stockholders from among themselves at their first and subsequent general annual elections, and no stockholder shall be elected as Director, nor serve as such, unless he be, at the time of his election, the *bona fide* owner and legal holder of ten shares of said stock, and shall continue to hold the same during the term of his service.

Board of Di-
rectors.

SEC. 7. *Be it further ordained*, That the President of said Company shall be chosen by ballot by a majority of the Directors from among themselves, with a salary to be fixed by the stockholders in general meeting.

President.

SEC. 8. *Be it further ordained*, That all stockholders be-

*

ing citizens of the United States shall be entitled to vote either in person or proxy, the proxy being a stockholder, at all general meetings, and the vote to which each stockholder shall be entitled according to the number of shares he may hold in the proportions following, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares over thirty and not exceeding sixty, one vote; for every eight shares over sixty and not exceeding one hundred, one vote; for every ten shares over one hundred and not exceeding two hundred, one vote; and for every twenty shares over two hundred, one vote.

First meeting
 of stockholders.

SEC. 9. *Be it further ordained,* That at the first general meeting of the stockholders under this act, a majority of all the shares subscribed shall be represented before proceeding to business, and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from time to time until a regular meeting be thus formed; and at such regular meeting the stockholders may provide a by-law as to the number of stockholders and the amount of stock to be held by them, which shall constitute a quorum for transacting business at all subsequent regular or occasional meetings of stockholders and Directors.

Duty of General Commissioners.

SEC. 10. *Be it further ordained,* That the general commissioners shall make their return of the shares of the stock subscribed for at the first general meeting of the stockholders, and pay over to the Directors elected at their meeting, or their authorized agents, all sums of money and all lands received from subscribers; and on failure to do so they shall be personally liable to said Company, to be recovered at the suit of said Company in any of the Superior Courts of Law in this State in the County where the delinquent resides, and in case of his death the same shall be recovered of his executors or administrators.

Vacancies in Board.

SEC. 11. *Be it further ordained,* That the Board of Directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the b

the opinion of this Convention relief should be granted said Sheriff,

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That the said Hugh B. Guthrie, Sheriff of Orange County, be allowed the sum of one thousand two hundred and sixty-seven dollars and ninety-eight cents, (\$1,267.98,) to be credited upon any taxes still owing by said Sheriff, in the order of the dates wherein the same were due. Allowed a certain amount.

Ratified this 6th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER XXXVIII.

AN ORDINANCE TO EXEMPT MINISTERS OF THE GOSPEL AND JUSTICES OF THE PEACE IN THE COUNTY OF CUMBERLAND FROM THE PENALTY IMPOSED BY THE ACT OF THE GENERAL ASSEMBLY OF NORTH-CAROLINA FOR CELEBRATING THE RITES OF MATRIMONY IN SAID COUNTY WITHOUT A LICENSE THEREFOR.

WHEREAS, There is no Clerk of the County Court in Camberland County, (by reason of death of the late incumbent,) and therefore no one legally authorized to issue a license to persons desiring to intermarry; and whereas, D. G. McRae, J. W. Lett, and E. L. Pemberton, three of the Justices of the Peace in and for said County, have issued commissions to Ministers of the Gospel, and Justices of the Peace authorizing and empowering them to celebrate the rites between certain parties: now, therefore, Preamble.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same,* That those Ministers of the Gospel and Justices of the Peace in said County, who have, or may hereafter, solemnize the rites of matrimony under a commission from the aforesaid Justices of the Peace be, and Ministers and Magistrates released from penalty.

discharged from all further liability, and if said sale of stock does not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by said stockholders to the Company for such subscription of stock, then, and in that case, the whole of such balance shall be held and taken as due at once to the Company, and may be recovered of such stockholder, or of his executors, administrators or assignees at the suit of said Company, either by summary motion in any court of superior jurisdiction in the County where the delinquent resides, on previous notice of ten days to said subscriber, or by action of assumpsit in any Court of competent jurisdiction, or by warrant before a Justice of the Peace, where the sum does not exceed one hundred dollars, and in all cases of assignment of stock before the whole amount has been paid to the Company, then, for all sums due on such stocks, both the original subscribers and the first and all subsequent assignees shall be liable to the Company, and the same may be recovered as above described.

Debts due to
Company for
stock.

SEC. 16. *Be it further ordained*, That the debt of stockholders due to the Company for stock therein, either as original proprietor or as first or subsequent assignee, shall be considered of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representative.

Certificate of
stock.

SEC. 17. *Be it further ordained*, That said Company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the Company.

Board of Di-
rectors shall re-
port.

SEC. 18. *Be it further ordained*, That the Board of Directors shall once every year at least, make a full report of the stock of the Company and its affairs to a general meeting of the stockholders, and oftener if required by a by-law, and shall have power to call a general meeting of the stockholders when the Board may deem it expedient, and the Company may provide in their by-laws for occasional meetings being called and prescribe the mode thereof.

SEC. 19. *Be it further ordained*, That said Company may

purchase, have and hold in fee, or for a term of years, any ^{Lands, tenements, &c.} and tenements or hereditaments, which may be necessary for the said road or the appurtenances thereof, or for the erection of depositories, store houses, houses for the officers, servants or agents of the said Company, or for work shops or foundaries, to be used for said Company, or for procuring stone or other materials necessary to the construction of the road, or for effecting transportation thereon.

SEC. 20. *Be it further ordained,* That the Company shall have the right, when necessary, to conduct the said road across or along any public road or water course: *Provided,* That the said Company shall not obstruct any public road without constructing another equally as good and convenient. ^{Crossing public roads.}

SEC. 21. *Be it further ordained,* That when any lands or ^{Right of way.} right of way may be required by said Company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by the five Commissioners, or three of them, to be appointed by any court of record having common law jurisdiction in the County where some part of the land or right of way is situated. In making the said valuation, the said Commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special which he, she or they may receive by the general increased value of the land, or any special benefit which may arise from the location of a depot, or otherwise on said land, or any benefit which may accrue in any way whatever, by the establishment of said Rail Road or works, and shall state particularly the amount and value of each, and the excess of the loss and damage, over and above the advantage and benefit, shall form the measure of valuation of the said land or right of way: *Provided, nevertheless,* That if any person or persons, over whose land the road may pass, or if said company should be dissatisfied with the valuation of

said Commissioners, then, and in that case, the party so dissatisfied, may make an appeal to the Superior Court, in the County where said valuation has been made, or in either County in which the land may lie, when it shall be in more than one County, under the same rules, regulations and restrictions in other cases of appeals. The proceedings of said Commissioners, accompanied with a full description of said land or right of way, shall be returned under the hands and seal of a majority of them, to the Court from which the Commission issued, there to remain a matter of record, and the lands or right of way so valued, shall vest in the said Company so long as the same shall be used for the purpose of the Rail Road, so soon as the valuation shall have been paid, or when refused, may have been tendered: *Provided*, That on application for the appointment of Commissioners, under this section, it shall be made to appear to the satisfaction of the Court, that at least ten day's previous notice has been given by the applicant to the owner or owners of the said land, so proposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the County, or if he can not be so found, then such appointment shall not be made, unless notice of the application shall have been published at least one month next preceeding, in some newspaper printed as convenient as may be to the Court House of the County, and shall have been posted at the door of the Court House, on the first day at least of the term of said court to which the application is made; *Provided further*, That the valuation provided for in this section shall be made on oath, or by the commissioners aforesaid, which oath any justice of the peace or Clerk is authorized to administer: *Provided further*, That the right of condemnation herein granted shall not authorize the said Company to invade the dwelling house, yard, garden or burying ground of any individual without his consent.

Right to con-
demn land.

SEC. 22. *Be it further ordained*, That the right of said Company to condemn land in the manner aforesaid shall

extend to the condemning of one hundred feet on each side of the main track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said Company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road, and the Company shall also have power to condemn and appropriate lands in like manner for the constructing and building of depots, shops, warehouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

Sec. 23. *Be it further ordained*, That in the absence of any contract or contracts with said Company in relation to lands through which the said road may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which said road may be constructed, together with the space of one hundred feet on each side of the centre of the said road, had been granted to the said Company by the owner thereof, shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purposes of said road, and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on said land was finished, or the claiming under him, her or them, shall apply for an assessment of the value of said lands as hereinbefore directed, within two years next after that part of the said road which may be on the said land was finished; and in case the said owner or those claiming under him, his, her or them, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefrom: *Provided*, That nothing herein contained shall affect the rights of *feme covert*s or infants until two years after the removal of their respective disabilities.

Corporation to have good title.

Lands not granted to vest.

Sec. 24. *Be it further ordained*, That all lands not heretofore granted to any person within one hundred feet of the centre of the said road, shall vest in the company as soon as

the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

Intruders may
be indicted.

SEC. 25. *Be it further ordained*, That if any person or persons shall intrude upon the said Rail Road by any manner of use thereof, or of the rights and privileges connected therewith without the permission, or contrary to the will of the said company, he, she or they may be indicted for misdemeanor, and upon conviction fined and imprisoned by any court of competent jurisdiction.

Penalty for in-
juring property
of corporation.

SEC. 26. *Be it further ordained*, That if any person shall wilfully and maliciously destroy, or in any manner hurt, or damage, or destroy, or obstruct, or shall wilfully or maliciously cause, or aid, or assist, or counsel, or advise any other person or persons to destroy or in any manner to hurt, damage, injure or obstruct the said Rail Road, or any bridge or vehicle used for or in the transportation thereon, any water tank, warehouse, or any other property of said Company, such person or persons so offending shall be liable to be convicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty dollars, at the discretion of [the] court before which said conviction shall take place and shall be further liable to pay all expenses for repairing the same, and it shall not [be] competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner, agent or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done at the time the same was done or caused to be done.

Obstructions
to be removed.

SEC. 27. *Be it further ordained*, That every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of said Company, and the person causing such obstruction may be indicted for creating a public nuisance.

Rights of cor-
poration in its
business.

SEC. 28. *Be it further ordained*, That the said Company shall have the right to take at the store-house they may

establish, on or annexed to their Rail Road, all goods, wares, merchandise and produce intended for transportation, to prescribe the rules of priority and charge, and receive such just and reasonable compensation for storage as they by rules may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation: *Provided*, That the said Company shall not charge or receive any storage on goods, wares, merchandise, or produce which may be delivered to them at their regular depositories for immediate transportation, and which the Company may have power to transact immediately.

SEC. 29. *Be it further ordained*, That the profits of the Company, or so much thereof as the general board may deem advisable, shall, when the affairs of the Company will permit, be semi-annually divided amongst the stockholders in proportion to the stock each may own. Annual dividends.

SEC. 30. *Be it further ordained*, That the following officers and servants, and persons in the actual employment of the said Company, be, and they are hereby exempt from the jury, and ordinary militia duty: the President and Treasurer, the Board of Directors, Chief and Assistant Engineers, the Secretary and accountants of this Company, keepers of the depositories, guards stationed on the road and at the bridges, and such persons as may be working the locomotive engines and traveling with the cars for the purpose of attending to transportation of produce, goods and passengers on the road. Exemptions.

SEC. 31. *Be it further ordained*, That for the purpose of constructing said road, the Company are hereby authorized and empowered, by a vote of the stockholders in general meeting assembled, to increase their capital stock to an amount sufficient in their opinion to effect the object, and to raise money, by loan or otherwise, sufficient to complete the main track or road, upon such securities and in such a manner as the stockholders may direct. May increase capital stock.

SEC. 32. *Be it further ordained*, That for the purpose of ascertaining the best route for said road, and to locate the May make surveys.

same, it shall be lawful for said Company, by its engineers, servants and agents, to enter upon, examine and survey any land or lands that they may wish to examine for such purpose, free from any liability whatever.

Sec. 33. Be it further ordained, That said road shall not run within twenty miles of the North-Carolina Rail Road and if the Company hereby incorporated violate the provisions of this section, it shall work a forfeiture of their charter.

SEC. 33. *Be it further ordained,* That said road shall not run within twenty miles of the North-Carolina Rail Road and if the Company hereby incorporated violate the provisions of this section, it shall work a forfeiture of their charter.

Ratified this March 5th, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER L.

AN ORDINANCE FOR THE COMPLETION OF THE WESTERN NORTH-CAROLINA RAIL ROAD.

Sec. 1. Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same, That the proceeds of no appropriations or subscriptions which the State of North-Carolina has made or may hereafter make to, or in aid of, the Western North-Carolina Rail Road Company, shall be used in the construction of any branch road except that of French Broad until the main trunk line of said Rail Road shall have been completed to Copper Mine, at or near Ducktown.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same,* That the proceeds of no appropriations or subscriptions which the State of North-Carolina has made or may hereafter make to, or in aid of, the Western North-Carolina Rail Road Company, shall be used in the construction of any branch road except that of French Broad until the main trunk line of said Rail Road shall have been completed to Copper Mine, at or near Ducktown.

Further appropriations.

SEC. 2. *Be it further ordained;* That the General Assembly, when the interest of said corporation (the Western North-Carolina Rail Road Company) requires it, shall be and the same is hereby authorized and directed to make such further appropriation or subscription to the capital stock of said Rail Road Company as will insure the completion of said road at the earliest practicable day.

Ratified this 14th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER LI.

ORDINANCE FOR THE DIVORCE OF ANN UNDERDUE AND WILLIAM UNDERDUE.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled,* That Ann Underdue, formerly Ann Smith, wife of William Underdue, be and she is hereby divorced from the bonds of matrimony with her said husband and that this ordinance shall be in force from and after its passage.

Dissolves the bonds of matrimony.

Ratified this 14th day of March, A. D. 1868.

CALVIN J. COWLES, *President.*

T. A. BYRNES, *Secretary.*

CHAPTER LII.

AN ORDINANCE APPOINTING COMMISSIONERS TO INVESTIGATE THE ACCOUNTS AND AFFAIRS OF THE ALBEMARE AND CHESAPEAKE CANAL COMPANY.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same,* That E. W. Jones, C. C. Pool, and Gesbourn J. Cherry be, and the same are hereby appointed a Committee to investigate the accounts and affairs of the Albemarle and Chesapeake Canal Company with authority to send for persons and papers, to examine and take testimony, to fill vacancies in said Commission, should any occur, and to report the result of their investigations together with such recommendations as they may deem proper to protect the interest of the State, to the next meeting of the Convention or Legislature, and that said Commissioners be paid therefor the sum of six dollars per day each when actually employed, together with such travelling and inciden-

Committee.

Powers.

Report.

tal expenses that may be incurred in prosecuting said investigation.

Ratified this 16th day of March, A. D. 1863.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER LIII.

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF RALEIGH.

Amends section 4.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same, That Section 4 of the Charter of the City of Raleigh be so amended as to read as follows :*

“SEC. 4. *Be it further ordained, That any qualified elector shall be eligible as Mayor or Commissioner, and every Commissioner shall be a resident of the Ward for which he shall be chosen.*”

SEC. 2. *Be it further ordained, That this ordinance shall be in force from and after its passage.*

Ratified this 17th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER LIV.

AN ORDINANCE COMPENSATING C. J. COWLES.

Per diem and mileage.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same, That Calvin J. Cowles shall receive a compensation of six dollars per day and mileage while engaged in the performance of the duties imposed on him by the several ordinances of this Convention, and that the same be paid by the Treasurer of the State, on the warrant of said Cowles.*

SEC. 2. *Be it further ordained*, That this ordinance shall be in effect from and after its passage.

Ratified this 17th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER LV.

AN ORDINANCE DIVORCING EDWARD SHROYER AND MARY P. SHROYER.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same*, That Edward Shroyer be and he hereby is divorced from the bonds of matrimony with his wife, Mary P. Shroyer, and this ordinance shall be in force from and after its passage. Dissolves the bonds of matrimony.

Ratified this 17th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER LVI.

AN ORDINANCE EXTENDING THE TIME FOR REGISTRATION OF DEEDS.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same*, That no grant or conveyance of lands heretofore made shall be void by reason of the nonregistration thereof previous to this time, but the grantees in such deeds shall have two years from the ratification of this ordinance wherein to register the same: *Provided*, That nothing herein contained shall extend to mortgages, deeds in trust or marriage settlements. Two years to register.

SEC. 2. *Be it further ordained*, That all persons who

Purchasers to
have till Janu-
ary, 1869.

have made entries of vacant land and paid the purchase money to the State for the same since the first day of January, 1861, shall have until the first day of January, 1869, to perfect titles to the same.

Proviso.

SEC. 3. *Be it further ordained*, That all persons who have heretofore made entries of lands according to law within the time aforesaid, and have not paid the purchase money into the Treasury, shall have until the first day of January, 1869, to make said payment and perfect their titles to said lands: *Provided*, That nothing herein contained shall be so construed as to affect the titles of persons who have heretofore obtained grants for said lands, or the rights of junior enterers, or extending to swamp lands vested in the Literary Board.

Ratified this 17th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER LVII.

AN ORDINANCE OF DIVORCE, IN FAVOR OF ARCHIBALD HANEY, OF RANDOLPH COUNTY.

Archibald Ha-
ney divorced
from his wife.

SECTION 1. *Be it ordained by the people of North-Carolina in Convention assembled, and it is hereby ordained by the authority of the same*, That Archibald Haney, of Randolph County, be and he hereby is divorced from the bonds of matrimony with Cornelia, his wife, and this ordinance shall go into effect from its ratification.

Ratified this 17th day of March, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CHAPTER LVIII.

AN ORDINANCE RESPECTING THE JURISDICTION OF THE COURTS. OF THIS STATE.

SECTION 1. *Be it ordained by the people of North-Carolina* Repeals sections of former acts. *in Convention assembled,* That sections one and two of the ordinance of the Convention adopted June 23d, 1866, entitled "An ordinance to change the jurisdiction of the courts and the rules of pleading therein," be and are hereby repealed.

SEC. 2. *Be it further ordained,* That section three of the above entitled ordinance be amended to read as follows: Amends section 3.
Sec. 3. That all actions of debt, covenant, assumpsit and account now pending in the Superior Courts shall be continued to Spring Term, 1869, and that the several Superior Courts at the Spring Term thereof only, unless otherwise herein provided, shall have exclusive original jurisdiction of all such causes of action except where jurisdiction has been or shall be given to a Justice of the Peace by the Constitution or laws of North-Carolina. Should the defendant at the Spring Term, 1869, on writs which shall be returned to that Term or in any suit, for the above causes of action then pending in the Superior Court, pay or confess judgment to the plaintiff for one-tenth of the debt, and demand principal and interest and all costs to that time, he shall be allowed until next Spring Term to plead. At the said Spring Term should the defendant pay to the plaintiff or confess judgment for one-fifth of the residue of the said debt or demand and cost, he shall be allowed until the succeeding Spring Term to plead. At the said Spring Term should the defendant pay to the plaintiff or confess judgment for one-half of the residue of the debt or demand, he shall be allowed until the succeeding Spring Term to plead. At the said Spring Term the plaintiff shall have judgment for the residue of his debt or demand: Proviso. *Provided, however,* That the plaintiff, if required, shall file his debt or demand in writing, and if the defendant

shall make oath that the whole or any part thereof is not justly due, or that he has a counter demand, all of which shall be particularly set forth by affidavit, then the defendant shall only pay the instalment required of what he admits to be due, and the court shall order a jury at the same or some subsequent term to try the matters in dispute between the parties, and at the next Spring Term the defendant shall be allowed time to plead only upon paying or confessing judgment for one-fifth of the residue of the admitted amount, and whatever the jury finds him indebted over and above the same: *Provided further*, That should the defendant fail to pay or confess judgment for the first or any subsequent instalment, then and in that case the plaintiff shall be entitled to proceed to judgment and execution for such instalment, unless the defendant shall put in pleas, in which case the suit shall proceed according to the course of the court in 1869: *Provided further*, That by consent of the plaintiff the defendant at any term of the court may confess judgment for a stipulated sum in full and final discharge of all further demand or liability upon such claim.

Amends section 10.

SEC. 3. *Be it further ordained*, That section 10 of the above recited act shall be amended to read as follows: Sec. 10. That executions on judgments in actions of debt, assumpsit, covenant or account, or decrees for money demands in equity, which have been, or shall be issued on judgments or decrees heretofore obtained, shall be levied on the property of the defendant and returned without sale: *Provided*, such return shall not prejudice any lien the plaintiff may acquire or then have by virtue of said *fi. fa. or venditioni exponas*. At Spring Term, 1869, execution on all such judgments or decrees shall issue for only one-tenth of the amount then due; at Spring Term, 1870, for one-fifth of the residue; at Spring Term, 1871, for one-half of the residue, and at Spring Term, 1872, for the balance of the debt; and no execution shall issue from the Fall Term on any such judgment or decree except by consent of the defendant. That no mortgagee or trustee shall

Propose to sale the property conveyed in such mortgage or **trust** deed, without the consent of the grantor, before first **f** March, 1869. Should the mortgagor or trustor at that **time** pay one-tenth of the debts mentioned, the sale shall **be** postponed to first of March, 1870; at that time should **he** mortgagor or trustor pay one-fifth of the residue, the **sale** shall be postponed to the first of March, 1871; at that **time** should the trustor or mortgagor pay one-half of the **residue**, the sale shall be postponed to first of March, 1872; **and** at that time the trustee or mortgagee shall sell the **property** or so much of it as will realize the balance of the **debts**: *Provided, however,* That should the trustor or mort- **gagor** fail to pay the first or any subsequent installment, **then**, and in that case, the trustee or mortgagee shall sell at **six** months credit so much of the property conveyed as will **realize** such installment.

Proviso.

SEC. 4. *Be it further ordained,* That section 11 of the **above** entitled act be amended to read as follows: That no **warrants** before Justices of the Peace shall issue or be **returnable** until January 1st, 1869. Should the defendant **upon** such return pay to the plaintiff, or to the collecting **officer**, for his use, or confess judgment before the magis- **trate** for one-tenth of the debt and demand, (principal and **interest**) he shall be allowed twelve months to plead; at **the** expiration of that time, should the defendant pay to the **plaintiff** or confess judgment for one-fifth of the residue of **the** said debt or demand, he shall be allowed twelve months **more** to plead; at the expiration of that time should the **defendant** pay to the plaintiff or confess judgment for **one** half of the residue of said debt or demand, he shall be **allowed** twelve months more to plead; at the expiration of **that** time the plaintiff shall have judgment for the residue **of** his debt or demand: *Provided, however,* That the plain- **tiff**, if required, shall file his claim in writing, and if the **defendant** shall make oath that the whole or any part **thereof** is not justly due, or that he has a counter demand, **all** of which he shall particularly set forth by affidavit, **then** the defendant shall only pay the installment required

Amends sec-
tion 11.

Proviso.

of what he admits to be due, and the justice shall proceed to try the matters in dispute between the parties; and at the expiration of twelve months the defendant shall be allowed time to plead only upon payment of one-fifth of the amount admitted to be due, and whatever the justice may have found him indebted over and above the same: *Provided*, That should the defendant fail to pay or confess judgment for the first or any subsequent installment, then and in that case, the plaintiff shall be entitled to proceed to judgment and execution for such installment: *Provided further*, That by consent of the plaintiff the defendant may at any time confess judgment for a stipulated sum in full and final discharge of all further demand or liability upon such claim. That all executions on judgments in actions of debt, covenant, assumpsit or account which have been, or shall be issued on judgments heretofore obtained before any magistrate, shall be levied on the property of the defendant and returned without sale; at the expiration of twelve months from such return execution on all such judgments shall issue for only one-tenth of the amount then due; at the expiration of twelve months from that time for one-fifth of the residue; at the expiration of twelve months more for one-half of the residue, and at the expiration of twelve months more for the balance of the debt.

Amends section 17.

SEC. 5. *Be it further ordained*, That section 17 of the above entitled ordinance be amended to read as follows: Sec. 17. That the provisions of this ordinance shall not be construed to extend to any debts or demands contracted or penalties incurred since the first day of May, A. D. 1865, or which may hereafter be contracted or incurred, except actions founded on any bond, promissory note, bill of exchange, or any other instrument of writing, or parol promise made since first May, 1865, in renewal of, or substitution for, a contract made prior to first of May, 1865, to the full amount of the principal and interest of a debt existing prior to said day, and without other consideration than such pre-existent debt; and except also, actions, suits, or process to revive, continue or enforce any judgment

heretofore recovered upon any such bond, promissory note, bill of exchange or other instruments of writing or parol promise as is hereinbefore mentioned.

SEC. 6. *Be it further ordained*, That this ordinance shall be in force from and after its ratification. In force from ratification.

Ratified this 14th day of March, A. D. 1868

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

AN ORDINANCE ADMITTING MEMBERS OF THE BAR OF OTHER STATES TO PRACTICE IN THIS STATE.

SECTION 1. *Be it ordained by the people of North Carolina in Convention assembled, and it is hereby ordained by the authority of the same*, That any person who shall produce a certificate of admission to the Bar of any other State, and satisfactory evidence of good moral character, before the Supreme Court of the State, shall be admitted to the practice of law in the several courts of this State, upon payment of the fees prescribed by law; and this ordinance shall be in force from and after the date of its passage. Persons admitted to the bar in other States may practice in this State.

Ratified this 4th day of February, A. D. 1868.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

I, T. A. BYRNES, Secretary of the State Constitutional Convention of North Carolina, do hereby certify that the foregoing are true copies of the original Ordinances of the State Constitutional Convention, session of 1868.

T. A. BYRNES, *Secretary*.

RESOLUTIONS.

RESOLUTION INSTITUTING THE OATH TO BE TAKEN BY DELEGATES TO THE CONSTITUTIONAL CONVENTION OF NORTH-CAROLINA.

Resolved, That the delegates to this Convention take the following oath, and that N. J. Riddick, Clerk of the Circuit Court of the United States, be requested to administer the same oath: Oath taken by delegates.

OATH.

You do solemnly swear [*or, affirm*] that you will support the Constitution of the United States, and faithfully discharge your duties as members of this Convention. So help you God.

Adopted January 14th, A. D. 1868.

RESOLUTION APPOINTING T. A. BYRNES SECRETARY.

Resolved, That T. A. Byrnes be appointed permanent Secretary of this Convention. Secretary.

Adopted January 15th, A. D. 1868.

RESOLUTION FIXING THE RULES OF ORDER FOR THE CONVENTION.

Resolved, That the rules of order of the Convention of this State for 1865-'66 be adopted by this Convention, so far as practicable, until further ordered. Rules of order

Adopted January 15th, A. D. 1868.

RESOLUTION APPOINTING A COMMITTEE ON FRAMING A CONSTITUTION.

Pass of gov-
ernment.

Resolved, That a Committee of two members from each Judicial District be appointed by the President, whose duty it shall be to consider and report, at the earliest practicable moment, [the best plan] to frame a Constitution and Civil Government, according to the provisions of the Acts of Congress.

Adopted January 15th, A. D. 1868.

RESOLUTION IN REGARD TO FRAMING RULES FOR THE GOVERNMENT OF THE CONVENTION.

Rules of order.

Resolved, That the President appoint a Committee of Five to frame Rules of Order for the government of the Convention.

Adopted January 15th, 1868.

RESOLUTION REGARDING SERGEANT AT ARMS.

Sergeant at
Arms.

Resolved, That this Convention do now proceed to an election of Sergeant at Arms.

Adopted January 16th, A. D. 1868.

RESOLUTION IN REGARD TO REPORTERS, &c.

Reporters ex-
cluded for disre-
spectful lan-
guage.

Resolved, That no reporter for any newspaper shall hereafter be allowed upon this floor who, in his reports, shall treat the Convention or any of its members with disrespect, but that they shall, in case of offence in this respect, be excluded from the floor of the hall, and from the galleries, by the President.

Adopted January 16th, A. D. 1868.

RESOLUTION INSTRUCTING THE PRESIDENT OF THE CONVENTION
IN REGARD TO CLERGYMEN.

Resolved, That the President of this Convention invite the Clergymen of the City of Raleigh to open the services of this Convention each morning with prayer. Prayer by Raleigh Clergymen.
Adopted January 16th, A. D. 1868.

RESOLUTION IN REGARD TO ASCERTAINING THE VOTES OF
COUNTIES, &c.

Resolved, That the Secretary apply to General Canby for a full statement of the votes, by Counties, for and against a Convention, cast in this State and received by each candidate for this Convention. Vote on Convention.
Adopted January 17th, A. D. 1868.

REPORT OF COMMITTEE ON THE BEST MODE OF FRAMING A CON-
STITUTION AND CIVIL GOVERNMENT.

The Committee appointed to consider and report upon the best mode of proceeding to frame a Constitution and Civil Government, according to the Acts of Congress, respectfully report as follows : Committees on various subjects.

Resolved, That the Standing Committees be appointed by the President to report on each of the following subjects, viz :

- 1st. On a Preamble and Bill of Rights.
- 2d. On a Governor and other Necessary State Executive Officers, their Election or Appointment, Tenure of Office, Compensation, Powers and Duties.
- 3d. On the Legislature, its Organization, the Number, Apportionment, Election, Tenure of Office of its Members, its Powers and Duties, except as otherwise referred.
- 4th. On the Judiciary Department.
- 5th. On the Finances of the State, the Public Debt,

Committee on various subjects. Revenues, Expenditures and Taxation, and Restrictions on the Powers of the Legislature in respect thereto.

6th. On Internal Improvements.

7th. On Counties, Cities, Towns and Villages, their Officers, Organization, Government and Powers.

8th. On Corporations other than Municipal.

9th. On Punishments and Penal Institutions.

10th. On Militia.

11th. On Education, Common Schools, Universities, and the Means of their Support.

12th. On Suffrage and Eligibility to Office.

13th. On Homestead.

The Committee also recommend [that] the different Standing Committees as named shall each consist of thirteen members.

DAVID HEATON, *Chairman*,
 W. NICHOLSON,
 W. B. RODMAN,
 J. H. HARRIS,
 T. L. L. COX,
 J. W. HOOD,
 M. HOBBS,
 GEO. W. BRADLEY,
 E. W. JONES,
 H. A. DOWD,
 A. W. TOURGEE,
 J. C. ABBOTT,
 S. FALKNER,
 C. C. JONES,
 G. W. GRAHAM,
 W. G. B. GARRETT.

Adopted January 17th, A. D. 1868.

RESOLUTION PROCURING AN AMERICAN FLAG.

Resolved, That the Secretary of this Convention is hereby authorized and instructed to procure an American flag to be suspended from the dome of the capitol. Instructs the Secretary.

Adopted January 16th, A. D. 1868.

RESOLUTION INFORMING GEN. CANBY OF THE ORGANIZATION OF THE CONVENTION.

Resolved, That the President of the Convention be requested to inform Major-General E. R. S. Canby, of this Military District, that this Convention is permanently organized, and is proceeding to the dispatch of business. To General Canby.

Adopted this January 17th, A. D. 1868.

RESOLUTION REQUESTING THE PROVISIONAL SECRETARY OF STATE TO FURNISH COPIES OF THE CONSTITUTION, 1865-'66.

Resolved, by the delegates of the people of North-Carolina in Convention assembled, That the Provisional Secretary of State furnish each delegate of this Convention a copy of the Constitution adopted by the Convention of 1865-'66 for the use of the delegates. To the Secretary.

Adopted January 18th, A. D. 1868.

RESOLUTION APPOINTING A COMMITTEE OF THREE TO WAIT ON THE GOVERNOR OF THE STATE.

Resolved, That a Committee of three be appointed to wait on his Excellency, the Governor of North-Carolina, and inform him of the organization of the Convention, and that the Convention is now ready to receive any communication he may desire to make. Instructs Committee.

Adopted January 20th, A. D. 1868.

RESOLUTION APPOINTING A COMMITTEE TO PROCURE COPIES OF PROCEEDINGS OF THE GENERAL ASSEMBLY, SES. 1866-'67.

To the Secretary of State.

Resolved, That the President of this Convention be directed to appoint a Committee of two to request the Provisional Secretary of State to furnish twelve copies of the proceedings of the General Assembly during the session of 1866-'67 for the use of the members of this Convention.

Adopted January 20th, A. D. 1868.

RESOLUTION FIXING THE PER DIEM AND MILEAGE OF MEMBERS.

Per diem and mileage.

Resolved, That each delegate to the Convention, and each elective officer (the President excepted,) receive eight dollars (\$8.00) per day, and twenty cents mileage to and from the Convention, and that the President receive twelve dollars (\$12.00) per day, and twenty cents per mile.

Adopted January 22d, A. D. 1868.

RESOLUTION REQUESTING GEN. CANBY TO VISIT THE CONVENTION.

To General Canby.

Resolved, That the delegates of the Constitutional Convention of North-Carolina, now assembled, request Maj. Gen. E. R. S. Canby, Commanding Second Military District, composed of the States of North and South-Carolina, to visit this Convention and communicate anything he may deem for the good of the people of North-Carolina.

Adopted January 24th, A. D. 1868.

RESOLUTION REGARDING THE COMMITTEE ON PRINTING.

Power of Chairman.

Resolved, That the Chairman of the Committee on Printing have power, on the request of the chairman of any committee, to cause to be printed for the use of this Convention, any matter prepared by a committee and necessary for the information of the delegates.

Adopted January 25th, A. D. 1868.

RESOLUTION REQUESTING THE TREASURER OF STATE TO FURNISH THE CONVENTION WITH A STATEMENT OF THE INDEBTEDNESS OF THE STATE.

Resolved, That the Treasurer of the State of North-Carolina be requested to furnish this Convention with a statement of the indebtedness of said State; to what parties, and sources; what amount to each; what is the amount of her endorsement for railroad or other improvements; what further endorsement of railroad bonds is she directed to make under any existing law or regulation, and when passed; what property or assets or securities the State holds for or on account of said indebtedness; what amount of stock the State holds in the several corporations of the State; and what amount of dividend or interest she receives from each source? To Treasurer of State.

Adopted January 25th, A. D. 1868.

RESOLUTION REQUESTING THE TREASURER OF STATE TO FURNISH CERTAIN INFORMATION.

Resolved, That the Treasurer of the State of North-Carolina be requested to furnish this Convention with a statement of what amount of stock said State owns in the Albemarle and Chesapeake Canal Company, what amount she has paid, or agreed to pay, or is under any obligation in the future to pay, what is the entire amount of the capital stock of said Company, and where owned, and whether said State has received any dividend or interest for, or on account of its investments, subscription or endorsement of said Company, or its bonds, and how much, or whether it is now paying its interest or dividend regularly to the State. To Treasurer of State.

Adopted January 25th, A. D. 1868.

RESOLUTION INSTRUCTING THE JUDICIARY COMMITTEE.

Resolved, That the Standing Committee on the Judiciary,

Instructs Judiciary Committee.

is hereby requested, if deemed advisable, to report such a provision to the new Constitution as will clearly authorize the first Legislature convened under it, to pass suitable laws giving mechanics and artisans an ample lien as indemnity for their labor.

Adopted January 27th, A. D. 1868.

RESOLUTION INVITING UNITED STATES OFFICERS TO THE FLOOR OF THE CONVENTION.

To the Secretary.

Resolved, That the Secretary be directed to invite the United States officers on duty at this Post to the floor of this House.

Adopted January 22d, A. D. 1868.

RESOLUTION INSTRUCTING THE COMMITTEE TO CONFER WITH GENERAL CANBY.

Inquiry concerning enforcement of an ordinance.

Resolved, That the Committee appointed to confer with General Canby, be instructed to inquire of him whether he would enforce an ordinance of this Convention, or upon its recommendation would issue an order staying the collection of all debts except in cases of fraud, and wages for labor performed since May 1st, 1868.

Adopted January 23d, A. D. 1868.

RESOLUTION APPOINTING A COMMITTEE OF THREE TO CONFER WITH GENERAL CANBY.

Powers of Committee.

Resolved, That a Committee of Three be appointed by the Chair, to confer with Major-General E. R. S. Canby, Commanding the second Military District, which committee shall be empowered to consult upon any subject relative to the public interest, and to report the result of their consultations to the Convention.

Adopted January 22d, A. D. 1868.

RESOLUTION AUTHORIZING THE COMMITTEE ON FINANCE TO NEGOTIATE A LOAN.

Resolved, That the Committee on Finance, either in the name of the whole Committee or in the name of a sub-Committee, be authorized to negotiate a loan, not to exceed ten thousand dollars, in order to pay the mileage of members.

Adopted January 29th, A. D. 1868.

Instructing Committee on Finance.

RESOLUTION REQUESTING CERTAIN INFORMATION OF SHERIFFS.

Resolved, That the Sheriffs of the several counties of this State are directed to inform this Convention at the earliest practicable moment, of the number of executions now in their hands, and the total amount of moneys therein ordered to be collected.

Sheriffs requested to give information respecting number of executions in his hands.

Adopted January 30th, A. D. 1868.

RESOLUTION APPOINTING A COMMITTEE OF EIGHT TO REPORT NAMES OF PERSONS TO BE PARDONED.

WHEREAS, The fourteenth article of the Constitution of the United States, which disfranchises a certain class of citizens for participation in the late rebellion, also provides that Congress may by a two third vote of each house, remove such disability; and whereas, there are many whose sentiments are in hearty accord with the reconstruction measures, who are injuriously effected by said disfranchisement: therefore,

Preamble.

Resolved, That a Committee of Eight, to consist of one from each judicial district, be appointed by the Chair, whose duty it shall be to gather such information as will enable them to report at an early day to this Convention, a list of such persons as may be presented to Congress to be relieved.

Committee to report a list of persons to be recommended for relief from disabilities.

Adopted January 30th, A. D. 1868.

RESOLUTION INSTRUCTING THE COMMITTEE TO CONFER WITH
GENERAL CANBY.

Resolved, That the Committee appointed to confer with General Canby be directed to enquire whether Notes and Bonds given since May 1st, 1865, in renewal of debts contracted prior to that date are subject to the power of General Canby.

Adopted February 1st, A. D. 1865.

RESOLUTION IN RELATION TO MILEAGE.

Resolved, That the Secretary be directed to prepare a list of the members of this Convention which shall show the number of miles travelled by each, and the amount of mileage fee.

Adopted February 4th, A. D. 1865.

RESOLUTION INSTRUCTING THE COMMITTEE ON FINANCE TO NEGOTIATE A LOAN FOR CONTINGENT EXPENSES.

Resolved, That the Committee on Finance be instructed to negotiate a loan of \$50,000 for contingent expenses, and be also instructed to insert in the tax bill that amount in addition to the estimated ordinary expenses of the Convention.

Adopted February 5th, A. D. 1865.

RESOLUTION INSTRUCTING THE COMMITTEE APPOINTED TO CONFER WITH GEN. CANBY.

Resolved, That the Committee appointed to confer with General Canby, be authorized to request him to stay the ruinous executions on new debts contracted since the first of May, 1865, so that property may not be sacrificed for less

than its intrinsic value, and make an order to that effect for the temporary relief of our people.

Adopted February 6th, A. D. 1868.

RESOLUTION IN REGARD TO TRANSMITTING COPIES OF THE
RELIEF BILL.

Resolved, That the President of this Convention order a copy of the Relief Bill to be sent to the Sheriffs, the County and Superior Court Clerks of each County in the State.

Copy of the relief bill to be sent to Superior Court Clerks and Sheriffs.

Adopted February 7th, A. D. 1868.

RESOLUTION TENDERING THE THANKS OF THE CONVENTION TO
GENERAL NELSON A. MILES, &C.

Be it Resolved by this Convention, That the thanks of the people of North-Carolina are due, and are hereby tendered to General Nelson A. Miles, the Assistant Commissioner for the Freedman's Bureau in this State, for the efficient impartial, and faithfull, manner in which he has discharged his duties.

Thanks of the Convention tendered to General Miles.

Resolved, That the Secretary of this Convention transmit a copy of this resolution to General Miles.

Secretary to forward a copy of resolution.

Adopted February 10th, A. D., 1868.

RESOLUTION APPOINTING THE COMMITTEE TO PREPARE A MEMORIAL TO CONGRESS IN RELATION TO THE TOBACCO TAX.

Resolved, That a Committee of five be appointed to draw up a memorial to be sent to the Congress of the United States, praying that the Revenue tax on tobacco be reduced, setting forth the reasons therefor.

Praying for the reduction of the tax on tobacco.

Adopted February 10th, A. D., 1868.

**RESOLUTION EXPRESSING THE SENSE OF THE CONVENTION IN REGARD
TO THE RACES.**

*Adverse to the
intermarriages
and mixed
schools.*

Resolved, That it is the sense of this Convention that intermarriages and illegal intercourse between the races should be discountenanced, and the interests and happiness of the two races would be best promoted by the establishment of separate schools.

Adopted March 16th, A. D. 1868.

RESOLUTION IN RELATION TO THE FORMATION OF A NEW COUNTY.

*Referred to the
Legislature.*

Resolved, That it is the sense of this Convention that it is impracticable to take any definite action, at this late period of the session, on the petition in relation to the formation of a new County out of Iredell, Rowan and Cabarrus Counties, and that said petition is hereby respectfully referred to the earnest attention and consideration of the next Legislature.

Adopted March 16th, A. D. 1868.

**RESOLUTION AUTHORIZING THE SENDING OF COPIES OF THE
CONSTITUTION TO CONGRESS AND THE DEPARTMENTS.**

*One copy to
each.*

Resolved, That one printed copy of the new Constitution be sent to the Secretary of State of the United States, one copy to each of the heads of the Departments of the United States, one to each member of Congress, and one to the General Commanding the armies of the United States.

Adopted March 17th, A. D. 1868.

RESOLUTION PROVIDING FOR ASSISTANT CLERK.

One clerk.

Resolved, That the Secretary be authorized to employ a clerk to assist him in completing his duties.

Adopted March 17th, A. D. 1868.

RESOLUTION INSTRUCTING THE JUDICIAL COMMITTEE.

WHEREAS, This Convention has passed an ordinance allowing men of legal profession, of a good moral character, exhibiting a certificate granted by the Courts of other States, to the bar in the Courts of North-Carolina; and whereas, many of the States requiring nothing more than the establishment of a good moral character, to admit men to the bar; and that citizens of this State should be on equality with those of other States; therefore,

Preamble.

Be it Resolved, That the Committee on the Judiciary be instructed to report an ordinance or clause for the Constitution, which will allow citizens of North Carolina to practice, and plead law in the Courts of the State by establishing a good moral character and paying necessary fees.

Committee instructed to report an ordinance allowing all persons to practice law.

Adopted February 12th, A. D., 1868.

RESOLUTION IN RELATION TO ACTIONS AT LAW AND SUITS IN EQUITY.

Resolved, That it is the sense of this Convention that the distinctions between actions at law and suits in equity and the forms of all such actions and suits shall be abolished and there should be but one form of civil action.

Distinction between law and equity abolished.

Adopted February 12th, A. D., 1868.

RESOLUTION RELATING THE CALL FOR THE PREVIOUS QUESTION.

Resolved, That no one shall move the previous question except the Chairman of a Committee, whose report is under consideration, the mover of a resolution or the author of a minority report.

In reference to the previous question.

Adopted February 12th, A. D., 1868.

RESOLUTION IN RELATION TO CONTINGENT EXPENSES.

Resolved, That the contingent expenses of this Convention, including those for labor, be not paid until audited by

In relation to contingent expenses.

RESOLUTIONS.

the Committee on Contingent Expenses, all authorized by the President and Secretary.

Adopted February 17th, A. D. 1868.

RESOLUTION REQUESTING THE SECRETARY OF STATE TO FURNISH STATIONERY, &c.

Whereas, By section 5th of the 14th chapter of the Revised Code of North-Carolina, it is made the duty of the Secretary of State to furnish suitable stationery, and the necessary fuel for all Legislative bodies of the State: therefore,

Resolved, That from and after this date, the Secretary of State be, and is hereby requested to supply the officers and members of this Convention with the necessary stationery and suitable fuel, and that the officers of this Convention, whose duty it is to look after the stationery and fuel, are hereby directed to call upon the Secretary of State.

Adopted February 21st, A. D. 1868.

RESOLUTION IN RESPECT TO THE MEMORY OF WASHINGTON, &c.

Resolved, That with profound reverence for the memory of George Washington, we will honor the day of his birth, not by adjourning, but by proceeding to ingraft upon the Constitution the great principles of justice and liberty, which has made his name illustrious.

Adopted February, 22d, A. D. 1868.

RESOLUTION REGARDING CONTINGENT EXPENSES, &c.

Resolved, That the Committee on Contingent Expenses, be instructed to allow three servants of this Convention, two dollars per day, for their services during the session of this Convention.

Adopted February 24th, A. D. 1868.

RESOLUTION REGARDING THE PAY OF MEMBERS OF THE CONVENTION.

Resolved, That each member of this Convention is entitled to pay from the first day of the session, and no member shall be deprived of pay for overstaying the leave granted by this Convention, for any valid reason. Pay of the members.
 Adopted February 24th, A. D. 1868.

RESOLUTION TO CARRY OUT A CERTAIN ORDINANCE.

WHEREAS, It is understood that some of the Judges of the Superior Courts of the State are rendering and are about to render judgment in cases intended to be exempted by the ordinance for relief, entitled "An ordinance respecting the jurisdiction of the Courts of this State ;" therefore, Preamble.

Resolved, That the President of this Convention is hereby instructed to communicate immediately with the Commanding General of this Military District, and request of him the issuing of such orders as will ensure the full observance of said ordinance. Instructs a Committee to request General Canby to enforce an ordinance.

Adopted February 29th, A. D. 1868.

RESOLUTION VACATING SEAT OF JOHN G. MARLER, IN FAVOR OF JOHN M. MARSHALL.

Resolved, That the seat now occupied by John G. Marler be vacated, and John M. Marshall be admitted to his seat. Vacating the seat John G. Marler.
 Adopted March 2d, A. D. 1868.

RESOLUTION INSTRUCTING THE COMMITTEE ON REVISION.

Resolved, That the Committee on Revision be directed and empowered to procure parchment for the purpose of having the Constitution enrolled for signature by the members of this Convention. Instructing the Committee on Revision.
 Adopted March 7th, A. D. 1868.

RESOLUTION TENDERING THE THANKS OF THE CONVENTION.

Preamble.

WHEREAS, the people of North-Carolina, through their representatives in Convention assembled, have viewed with not less indignation than apprehension, the efforts on the part of the Executive branch of this government to throttle, circumscribe and over rule its co-ordinate and Legislative branch of the same: and whereas, in the opinion of this Convention, success in such efforts would lead to an agrarianism alike dangerous to the liberties of the people, and subversive of that good feeling and correct principle of Republicanism, which should be viewed not only with extreme jealousy and horror, but be marked by the unqualified condemnation of all lovers of good order and stable government: be it therefore

Thanks of the
Convention tendered to Congress.

Resolved, That the thanks of this Convention are due, and are hereby tendered to these noble representatives who have so promptly stepped forth in their power of impeachment, to check and correct the evil threatened by the acts of an usurpative Executive.

Copy of these
resolutions to be
forwarded to
Congress.

Be it further resolved, That a copy of these resolutions, duly engrossed, be transmitted to the Honorable, the President of the Senate, and the Speaker of the House of Representatives of the people of the United States.

Thanks of the
Convention tendered to General Canby.

Be it further resolved, That this Convention tender to Brevet Major General E. R. S. Canby and the officers of his command its thanks for the bold, fearless, unprejudiced and manly manner in which they, each and all, have discharged the onerous and delicate duties devolving upon them under the Reconstruction Acts of Congress.

Adopted March 12th, A. D. 1868.

A RESOLUTION APPOINTING A COMMITTEE OF THREE TO DRAFT AN ADDRESS TO THE PEOPLE OF NORTH-CAROLINA.

Committee appointed to draft an address to the people of North-Carolina.

Resolved, That a Committee of Three be appointed immediately, whose duty it shall be to draft an address to the people of North-Carolina, explanatory of the Constitution

adopted by this Convention, which, if approved by the Convention, shall be appended to the Constitution and published therewith.

Adopted March 12th, A. D. 1868.

RESOLUTION DIRECTING THE PRESIDENT OF THE CONVENTION TO INFORM GENERAL CANBY OF CERTAIN OFFICES TO BE FILLED.

Resolved, That the President of this Convention is hereby instructed to inform Major General Canby, without delay, that the following offices have been created under the Constitution of North-Carolina, to be submitted to the registered voters of the State, on the 21st, 22d and 23d of April, at which time persons to fill said offices will be elected by the voters aforesaid, viz :

Informing Gen. Canby of the offices to be filled.

STATE AT LARGE.

Executive.

One Governor.
One Lieutenant-Governor.
One Secretary of State.
One Auditor.
One Treasurer.
One Superintendent of Public Works.
One Superintendent of Public Instruction.
One Attorney General.

Executive offices.

Judiciary.

One Chief Justice of the Supreme Court.
Four Associate Justices of the Supreme Court.
Twelve Judges of the Superior Court.

Judicial offices.

Legislative.

Fifty State Senators, to be elected in their respective Districts.

Legislative offices.

One hundred and twenty members of the House of Representatives, to be elected in their respective Counties.

Twelve Solicitors, to be elected in their respective Judicial Districts.

In each County, one Sheriff, one Clerk of the Superior Court, one Surveyor, one Register of Deeds, one Treasurer, and Five Commissioners.

Seven Representatives in the Congress of the United States, to be elected in their respective Districts.

Adopted March 16th, A. D. 1868.

RESOLUTION AUTHORIZING THE SECRETARY TO EMPLOY ONE OR MORE CLERKS.

Secretary authorized to employ one or more clerks.

Resolved, That for the purpose of completing the enrolment of the ordinances and resolution of this Convention, the Secretary be, and he is, authorized to employ one or more clerks.

Adopted March 14th, A. D. 1868.

RESOLUTION INSTRUCTING THE COMMITTEE ON CONTINGENT EXPENSES.

Committee instructed to allow the account of W. H. S. Sweet.

Resolved, That the Committee on Contingent Expenses be instructed to audit and allow the accounts of W. H. S. Sweet for expenses to Charleston, S C., and return, said expenses having been incurred by order of this Convention.

Adopted March 16th, 1868.

RESOLUTION IN FAVOR OF LORENZO D. HALL AND JOHN MARSHALL.

Resolution in favor of Lorenzo D. Hall and others.

Resolved, That Lorenzo D. Hall, of Sampson County, and John Marshall, of Surry County, be allowed pay and mileage from the commencement of the session, and that the President and Secretary be authorized and directed to sign vouchers for the same.

Adopted March 16th, A. D. 1868.

RESOLUTION IN RELATION TO THE LANDLESS.

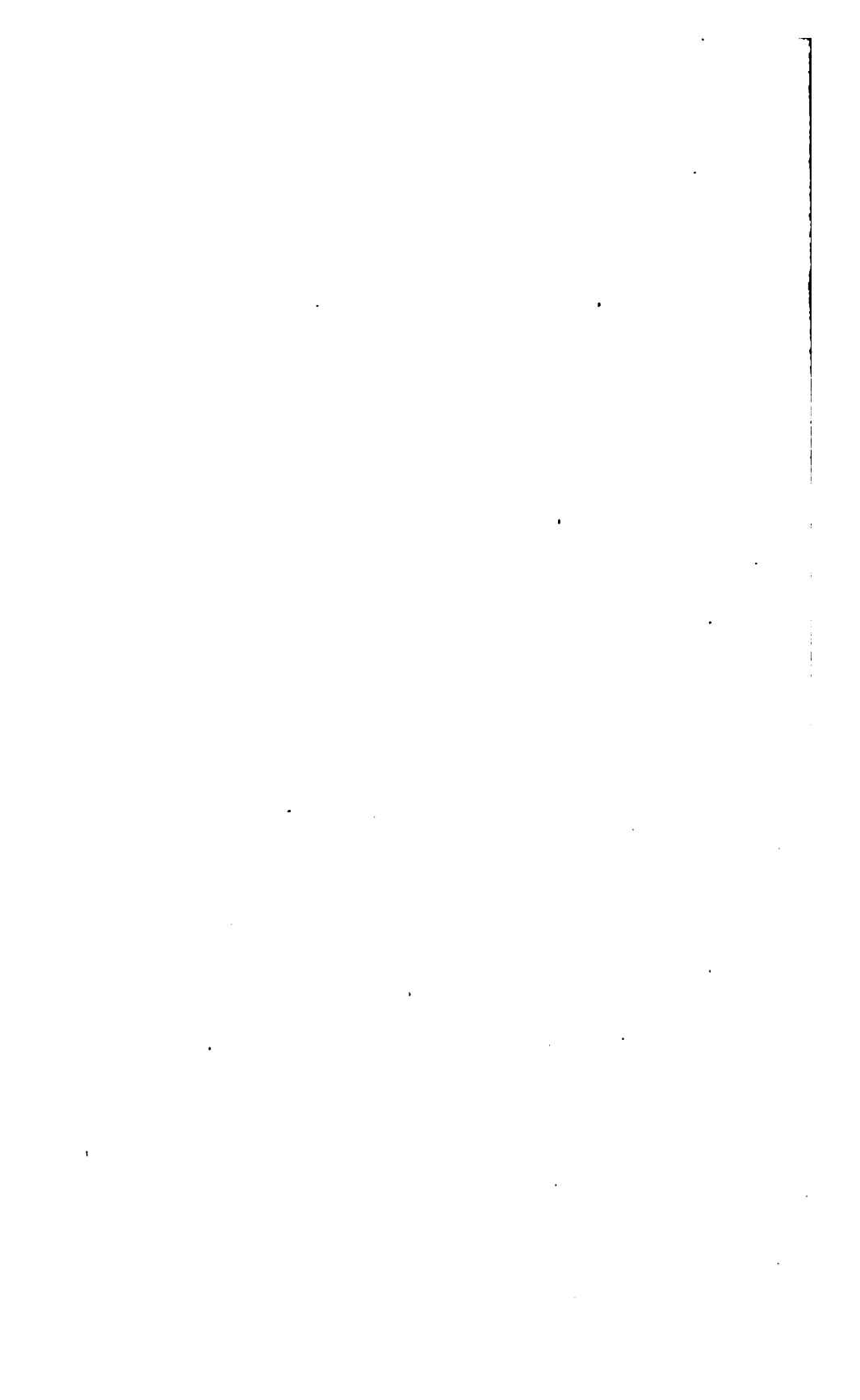
Resolved, That it is the sense of this Convention that the next Legislature take into consideration the condition of the landless population of this State, and if practicable devise some means by loan or otherwise so that all citizens of the State can be permanently located on a small freehold, so that all will be fully identified with the interest of the State.

Instructions
to next Legisla-
ture.

Adopted March 17th, A. D. 1868.

I, T. A. BYRNES, Secretary of the State Constitutional Convention of North-Carolina, do hereby certify that the foregoing are true copies of the original Resolutions of the State Constitutional Convention, session of 1868.

T. A. BYRNES, *Secretary*.



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